STATUTORY RULES.
1936. No. 74

REGULATIONS UNDER THE WAR SERVICE HOMES ACT
1918-1935.*

I, THE GOVERNOR-GENERAL, in and over the Commonwealth
of Australia, acting with the advice of the Federal Executive
Council, hereby make the following Regulations under the War Service
Homes Act 1918-1935.

Dated this Third
day of June, 1936.

(SGD.) GOWRIE.
Governor-General.

By His Excellency's Command,

[Signature]
Minister of State administering War Service Homes.

WAR SERVICE HOMES REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the War Service Homes Short Title.
   Regulations.

2. The War Service Homes Regulations (Statutory Rules 1926, Repel.
   No. 171, as amended by Statutory Rules 1927, No. 113; 1928, Nos.
   21, 55, 84; 1929, Nos. 2, 47, 118; 1930, Nos. 9, 20; 1931, No. 119; 1932,
   Nos. 56, 104, 134, 141; 1933, No. 124; 1934, No. 106; and 1935, Nos.
   58, 82, 194) are repealed.

3. These Regulations are divided into Parts, as follows:
   Parts.

   Part I.—Preliminary.
   Part II.—Applications for Homes and Advances.
   Part III.—Mortgage to secure Balance of Purchase Money.
   Part IV.—Conditions of Contracts of Sale and Advances.
   Part V.—Modifications and Adaptations of the Lands
   Acquisition Act 1906-1934.
   Part VI.—Advances on Mortgage for purposes of Homes.
   Division 1.—General.
   Division 2.—Advances by Instalments.
   Part VII.—Insurance of Dwelling Houses and Building
   Material.
   Part VIII.—Miscellaneous.

4. In these Regulations, unless the contrary intention appears—
   "applicant" means any eligible person who has made an
   application for the purchase of a home or for an advance
   under the Act, and includes a purchaser or a borrower;

* Notified in the Commonwealth Gazette on
305. 6/4/36. 1936.—Price 1s. 6d.
"authorized person" means a person or institution authorized in writing by the Commissioner to exercise the powers or functions in respect of which the expression is used;
"delegate" means a person to whom the Commissioner has delegated any of his powers or functions, in pursuance of the Act or these Regulations;
"Deputy Commissioner" means the Deputy Commissioner for War Service Homes for a State, appointed under the Act;
"home" means a dwelling-house and the land upon which it is erected;
"the Act" means the War Service Homes Act 1918, and includes any amendments made thereto from time to time.

PART II.—APPLICATIONS FOR HOMES AND ADVANCES.

5. Applications for homes or for advances under the Act shall be made in writing to a Deputy Commissioner or an authorized person in the manner and on the form approved by the Commissioner.

6. Applications shall be dealt with in the manner laid down in the General Orders issued by the Commissioner.

7. A Deputy Commissioner or an authorized person shall, on receipt of an application for a home or for an advance, certify whether the applicant is an eligible person and whether the Deputy Commissioner or the authorized person is satisfied that the applicant has a reasonable prospect of carrying out the terms of the contract of sale or the mortgage in respect of the advance into which he is desirous of entering.

8.—(1.) Where an applicant is dissatisfied with the certificate given in pursuance of the last preceding regulation, he may appeal in writing to the Deputy Commissioner or the authorized person, as the case may be, stating fully the grounds of his appeal.

(2.) Upon receipt of the appeal the Deputy Commissioner or the authorized person, as the case may be, shall reconsider the case, and may either grant a fresh certificate, or forward the appeal, together with the file and such report as he considers necessary, to the Commissioner for decision.

(3.) The decision of the Commissioner shall be final.

PART III.—MORTGAGE TO SECURE BALANCE OF PURCHASE MONEY.

9. For the purposes of sub-section (6.) of section 19 of the Act, the prescribed form of mortgage shall be such form as is required for registration under the Acts of the States relating to registration.

10. Any purchaser may execute a mortgage to the Commissioner in pursuance of sub-section (6.) of section 19 of the Act upon giving to the Commissioner one month's notice of his intention to do so.

PART IV.—CONDITIONS OF CONTRACTS OF SALE AND ADVANCES.

11.—(1.) The following fees, charges and costs shall be payable by the applicant:—

Valuation fee;
Survey fee;
Charges for services of architects and inspectors and of officers or servants of the Commissioner in connexion with the preparation and perusal of legal documents as determined by the Commissioner;
All fees in connexion with transfers and mortgages (searches, registrations, new titles, extra titles, &c.); Stamp duty; and Costs payable to the Commonwealth Crown Solicitor or his representatives.

(2.) The Commissioner may require the applicant to pay the fees, charges and costs referred to in this regulation as soon as they become due or immediately after they have been paid, or may direct that they be added to the amount of the purchase money or advance or deducted from the amount of any advance, and in the last-mentioned case the borrower will be deemed to have received the advance in full.

12. The rate of interest to be charged to any purchaser or borrower, in respect of any purchase money or advance shall be Four pounds per centum per annum.

13. The title deeds of land mortgaged to the Commissioner shall remain in the custody of the Commissioner so long as any money remains due and unpaid under the mortgage.

14. Each borrower shall in all respects conform to the provisions and regulations of any general or local Act of Parliament or local authority which may be applicable to the home or the work of erecting, completing or enlarging the dwelling-house.

15. A certificate signed by the Commissioner, a delegate or an authorized person containing a statement of the account of a purchaser, a borrower, a tenant or an applicant with the Commissioner shall be evidence of the matters stated.

16. Where any land mortgaged to the Commissioner is seized in execution, the Commissioner may by notice in writing at once call in the amount due under the mortgage whether as principal interest or otherwise.

17. Whenever the Commissioner calls in an amount due under a mortgage the borrower shall forthwith pay that amount, and in default the Commissioner shall have the same remedies for the recovery of the amount called in as are provided by the Act or these Regulations for the recovery of sums payable by the borrower.

18.—(1.) Where the Commissioner effects repairs in pursuance of sub-section (2) of section 31 of the Act, the expenses thereby incurred, together with interest at the same annual rate as that which is payable on the purchase money or advance, shall be repayable by the purchaser or borrower by such weekly, fortnightly, or monthly instalments, and within such period, as the Commissioner determines.

(2.) The Commissioner shall estimate the cost of the repairs prior to the repairs being effected, and shall notify the estimated cost to the purchaser or borrower.

(3.) Any failure by the Commissioner to notify the estimated cost of repairs to the purchaser or any notification of an estimated cost which is lower than the actual cost shall not relieve the purchaser or borrower from his liability to repay the expenses incurred in effecting the repairs, and the interest.
19. For the purposes of section 38 of the Act the other prescribed risks shall be lightning, flood, tempest and damage by explosion, thunderbolt, earthquake, riot, civil commotion, strikes, labour disturbances, burglary or house-breaking (including any attempt thereto), aircraft, and bursting of boilers, hot-water pipes or heating apparatus.

20. If the dwelling-house or any part thereof or any materials of which it is constructed or any fittings or fixtures thereon or therein are, without the consent in writing of the Commissioner, removed from land subject to a contract of sale or mortgage, the Commissioner may exercise all or any of the powers conferred upon him by section 31 of the Act to the same extent as if after notice in writing by the Commissioner the purchaser or borrower had not complied with the requirements of that section.

21. If it is proved to the satisfaction of the Commissioner that at the date of the contract of sale or advance the purchaser or borrower was not an eligible person under the Act the Commissioner may exercise all or any of the powers conferred upon him by section 38 of the Act to the same extent as if an instalment or money payable in respect of the contract of sale or advance had been unpaid for three calendar months next after the time appointed for the payment thereof.

22.—(1.) Except in cases where a condition has been inserted in the contract of sale, mortgage or other security in pursuance of section 37 of the Act, upon a failure by a purchaser or borrower to pay as it falls due any sum payable for rates, taxes, charges, assessments or outgoings in respect of the land or dwelling-house which is subject to a contract of sale or mortgage, the Commissioner may, if he thinks fit, pay the sum due, and may recover the amount paid, or any portion thereof, together with interest at the rate payable under the contract or mortgage, by action against the purchaser or borrower in any Court of competent jurisdiction.

(2.) In any action for the recovery of rates, taxes, charges, assessments or outgoings under the last preceding sub-regulation a certificate in writing signed by the Commissioner, a delegate or an authorized person, certifying that the sum named in the certificate was due by the purchaser or borrower and that it was still unpaid shall be prima facie evidence of the facts stated in the certificate.

(3.) Any amount paid by the Commissioner under sub-regulation (1.) of this regulation shall, until repayment, be a charge under the contract of sale, mortgage or other security upon the property.

23. Whenever any amount is paid to the Commissioner by a purchaser or borrower, the amount may be appropriated by the Commissioner—

Firstly—in payment of any sums owing by the purchaser or borrower in respect of fees, charges or costs; or in repayment of any sums paid by the Commissioner on behalf of the purchaser or borrower;

Secondly—in payment of any insurance premiums due by the purchaser or borrower;

Thirdly—in payment of interest due by the purchaser or borrower in respect of any advance in pursuance of the Commonwealth Housing Act 1927-1928 and section 50c of the Act;
Fourthly—in payment of interest due by the purchaser or borrower in respect of any sale or advance under the Act, except an advance in pursuance of the Commonwealth Housing Act 1927-1928 and section 50c of the Act;

Fifthly—in repayment of any advance in pursuance of the Commonwealth Housing Act 1927-1928 and section 50c of the Act;

Sixthly—in payment or repayment, as the case may be, of any purchase money or advance under the Act, except an advance in pursuance of the Commonwealth Housing Act 1927-1928 and section 50c of the Act.

24. Every purchaser and every borrower shall for the purposes of section 46 of the Act at all times permit any inspector or valuer of the Commissioner to enter upon and view the land or land and dwelling-house in respect of which the contract of sale has been entered into or the advance has been made, and if the occupier of the land or the land and dwelling-house fails or refuses on demand to permit an inspector or valuer so to enter and view or, if the land or land and dwelling-house is unoccupied, the inspector or valuer may enter (if necessary by force) upon and view the land or land and dwelling-house.

25. In the case of a tenancy created under section 30A of the Act—

(a) the term of the tenancy shall be the same as the period allowed for the payment of the purchase money or the repayment of the advance;

(b) the rent payable in respect of the tenancy shall be the same, both as to amounts and as to times of payment, as the instalments in which the purchase money or advance, together with interest thereon, is to be paid or repaid; and

(c) if at any time any part of the rent payable in respect of the tenancy is unpaid for a period of three months after the time appointed for the payment thereof the tenancy shall be liable to determination at the discretion of the Commissioner.

26. Where the Commissioner erects a dwelling-house on behalf of an applicant, the applicant shall be liable to the Commissioner for interest on progress payments made to a contractor from the date of each respective payment by the Commissioner, and such interest shall be paid to the Commissioner in such manner and at such time or times as the Commissioner in each case determines.

PART V.—MODIFICATIONS AND ADAPTATIONS OF THE LANDS ACQUISITION ACT 1906-1934.

27. The Lands Acquisition Act 1906-1934, in its application in relation to land acquired or to be acquired by the Commissioner for the purposes of the Act, shall be modified and adapted as follows:

(a) Every reference, to the Commonwealth, or to the Governor-General, or to the Attorney-General or to the Minister in any section other than in sections 5, 20, 41, 44, 57, 58, 62, 62A, 63, 64, 66 and 67 shall be read as a reference to the War Service Homes Commissioner;

Provided that the War Service Homes Commissioner shall not acquire any Crown lands of a State without first obtaining the approval of the Minister thereto;
(b) Section 5 shall be modified—

(a) as if for the definition of "Convey" there were substituted the following definition:—"Convey" includes grant, convey, release and transfer; 

(b) as if from the definition of "land" there were omitted all the words following the words "Crown land"; and 

(c) as if in the definition of "Owner" there were substituted for the word "Commonwealth" the word "Commissioner";

(c) Section 8 shall be modified as if for the words "sell and convey the land to the Commonwealth and may enter into any agreement for that purpose" there were substituted the following words:—

"(i) sell or convey the land to the Commissioner; and

(ii) if the land is acquired by the Commissioner by compulsory process—

(a) subject to this Act, make or join with any person in making a claim for compensation; and

(b) accept or not accept any offer of compensation by the Commissioner; and

(c) take any action authorized by this Act to be taken by a claimant to determine a disputed claim for compensation; and

(iii) enter into any agreement incidental to the exercise of any power conferred by this section;"

(d) Section 9 shall be modified as if for the words "The power to sell and convey land may be exercised" there were substituted the words "The powers conferred by the last preceding section may be exercised;"

(e) Section 10 shall be modified to read as follows:—

"(1.) Where any land is sold or conveyed to the Commissioner by or acquired from any person who was not entitled to sell or convey the land to the Commissioner except under this Act (which person is in this section referred to as the person under disability) the purchase money or compensation may be applied in the manner provided in this section.

"(2.) With the consent of all parties interested the purchase money or compensation may be paid to a trustee subject to such trusts as are declared by a deed of trust approved by the Commissioner.

"(3.) Where any infant, lunatic or idiot is interested in or entitled to receive any purchase money or compensation, his consent to any application or disposition thereof may be given by a guardian or committee on his behalf.

"(4.) The purchase money or compensation may be paid to a Registrar of the High Court or the Master-in-Equity or other proper officer of the Supreme Court to be applied in accordance with any order of the Court."
“(5.) The High Court or the Supreme Court may, on
the application of any person interested, order any
purchase money or compensation to be applied as
follows:—
(a) in the discharge of any debt or encumbrance affect-
ing the land, or affecting other land settled there-
with to the same or the like uses, trusts and
purposes; or
(b) in the purchase of other land or of Government
securities of the Commonwealth, or of a State,
to be conveyed, limited and settled upon the
like uses, trusts and purposes and in the same
manner as the land in respect of which the
purchase money or compensation was paid; or
(c) if the purchase money or compensation has been
paid in respect of any buildings acquired under
the authority of this Act, in removing or
replacing the buildings or substituting others in
their stead; or
(d) in such manner as the High Court or the Supreme
Court directs; or
(e) in payment to any person becoming absolutely
entitled to the purchase money or compensation.

“(6.) If the person under disability is a Corporation
the purchase money or compensation may be paid to the
Corporation.

“(7.) If the person under disability is a trustee or
feoffee in trust the purchase money or compensation may
be paid to the trustee or feoffee in trust to be dealt with
by him as nearly as may be in accordance with the trusts
upon which the land is held.

“(8.) If the person under disability is an executor or
administrator, the purchase money or compensation may
be paid to the executor or administrator to be dealt with
by him in accordance with his duties as such executor or
administrator.

“(9.) If the person under disability is an infant,
lunatic or idiot, the purchase money or compensation may
be paid to his guardian or committee.

“(10) Whenever the amount of the purchase money or
compensation does not exceed Fifty pounds it may be paid
to the persons who would for the time being have been
entitled to the rents and profits of the land,

“(11.) In this section 'Compensation' includes com-
penstation together with any interest payable thereon and
any amount payable in addition thereto under this
Act.”;

(f) Section 14 shall be modified to read as follows:—

“The Commissioner may execute or accept any con-
voyance or document and enter into any covenant or
agreement and do anything necessary for the purpose of
effecting the acquisition of the land.”;
(g) Section 15 shall be modified as if for sub-sections (1.) and (2.) there were substituted the following sub-section:—
“(1.) The Commissioner may by notification published in the Gazette declare that the land specified in the notification has been acquired by compulsory process for the purposes of the War Service Homes Act 1918;”;

(h) Section 19 shall be modified to read as follows:—
“Whenever any land has been acquired by the Commissioner by compulsory process:—

(a) either House of Parliament may within thirty days after a copy of the notification of acquisition has been laid before it, pass a resolution that the notification shall be void and of no effect either wholly or as to any part of the land acquired; or

(b) the Commissioner may by declaration published in the Gazette within six months after the date of the publication in the Gazette of the notification of acquisition, revoke the notification of acquisition either wholly or as to any part of the land acquired,

and thereupon, to the extent specified in the resolution or declaration of revocation, the notification shall be void and of no effect, and the land shall be deemed not to have been vested in the Commissioner, and the owner of the land shall be entitled to compensation for any damage which he may actually and unavoidably have suffered by reason of the notification or of the exercise of the powers of the Commissioner consequent thereupon.”;

(i) Section 20 shall be modified—

(a) as if for the word “Attorney-General” there were substituted the word “Commissioner”;

(b) as if for the words “transfer of the land to the Commonwealth” there were substituted the words “transfer of the land to the Commissioner”;

and

(c) as if there were added thereto the following sub-section:—

“(2.) Whenever there is lodged with him a certificate under the hand of the Commissioner certifying that pursuant to the last preceding section a notification of acquisition is void and of no effect either wholly or in part, the Registrar-General or Registrar of Titles or other officer by whom the notification of acquisition was registered may, to the extent set forth in the certificate, cancel the registration of the notification and any certificate of title issued thereunder and restore the Register to the same condition as if to that extent the notification had not been published or registered.”;
(j) Section 28 shall be modified as if there were added thereto the following sub-section:

"(3.) The lessee of any land acquired by compulsory process shall be entitled to compensation in respect only of that portion (if any) of the term of the lease which is unexpired on the date upon which he ceases occupation of the land, but in determining the compensation payable to the owner of the reversion the lessee shall be deemed to have ceased occupation of the land on the date of acquisition."

(k) Section 29 shall be modified to read as follows:

"The value of any land acquired by compulsory process shall be taken not to exceed its unimproved value or the interest of the owner therein on the first day of January, 1919, together with the value of his interest in the improvements on the land at the date of the acquisition of the land."

(l) Section 30 shall be modified as if for the words "tenant holding from year to year" there were substituted the words "monthly tenant."

(m) Section 34 shall be modified to read as follows:

"(1.) On the expiration of the time limited for making claims for compensation, the Commissioner shall cause any claims made to be examined and a report made to him as to the compensation payable.

"(2.) After receipt of the report, the Commissioner or any person authorized by him in that behalf shall—

(a) notify the claimant that the claim for compensation is admitted, and that the compensation claimed will be paid to him on compliance with this Act; or

(b) offer the claimant such amount as the Commissioner thinks reasonable in satisfaction of the claim for compensation and notify the claimant that the amount offered will be paid to him on compliance with this Act if he accepts the offer; or

(c) notify the claimant that he disputes the claim for compensation.

"(3.) The claimant shall within sixty days after the receipt of the offer of the Commissioner by notice in writing notify the Commissioner whether he does or does not accept the offer.

"(4.) Where more than one claim for compensation is made in respect of the acquisition of the same land the Commissioner may if he thinks fit make an offer to all or any two or more of the claimants jointly, without apportioning the amount offered among the claimants to whom the joint offer is made."
(n) Section 37 shall be modified as if there were added thereto the following sub-sections:

"(2.) For the purpose of this section—
(a) the Supreme Court shall be a Court of competent jurisdiction in all cases; and
(b) a County, District or Local Court having jurisdiction over the place where the land is situated shall, when constituted or presided over by a Judge or a Police, Stipendiary or Special Magistrate, be a Court of competent jurisdiction in cases where the total compensation claimed does not exceed £500.

"(3.) When an action for compensation has been instituted the Court may, on the application of the Commissioner, by order direct any person who has claimed compensation or who appears to have had at the date of acquisition any estate or interest in the land, to join as a plaintiff in the action within a time specified in the order.

"(4.) If any person so ordered fails to join as a plaintiff in the action within the time fixed by the order, he shall be absolutely debarred from thereafter instituting any action for compensation against the Commissioner in respect of the land.

"(5.) When in an action for compensation in a County, District or Local Court, by reason of joinder of new plaintiffs or otherwise, the total compensation claimed exceeds £500, the action shall, on the application of the Commissioner to—
(a) the High Court, be removed into the High Court; or
(b) the Supreme Court, be removed into the Supreme Court,

and shall thereafter proceed in the Court to which it is removed as if it had been instituted in that Court.

"(6.) On the trial of the action the Court shall—
(a) determine the total amount of compensation payable by the Commissioner to the plaintiffs; and
(b) where two or more persons are entitled to share in the compensation, determine the amount payable to each person and the manner in which it shall be paid.

"(7.) It shall not in any action for compensation be necessary for the Commissioner to pay compensation into Court, and the Commissioner shall not in any way be prejudiced in the defence of the action by reason of non-payment into Court."
(o) Section 38 shall be modified—

(a) as if in sub-section (1.) for the word “claim” (last occurring) there were substituted the words “amount of compensation payable by the Commissioner”; 

(b) as if for sub-section (2.) there were substituted the following sub-section:—

“(2.) The Court shall, after such notice to such persons as it directs, hear the application, and—

(a) determine the amount of compensation payable by the Commissioner; and

(b) where two or more persons are entitled to share in the compensation, determine the amount payable to each person and the manner in which it shall be paid”; 

and

(c) as if for sub-section (4.) there were substituted the following sub-section:—

“(4.) The determination of the Court shall be final and conclusive and without appeal and shall be binding upon all persons having any right to compensation in respect of the acquisition of the land, whether represented before the Court on the hearing of the application or not.”;

(p) Section 39 shall be modified as if for sub-section (4.) there were substituted the following sub-section:—

“(4.) The Court shall, after such notice to such persons as it directs, hear the application, and—

(a) determine the amount of compensation payable by the Commissioner; and

(b) where two or more persons are entitled to share in the compensation, determine the amount payable to each person and the manner in which it shall be paid.”;

(pq) Section 47 shall be modified as if for the word “which” there were substituted the word “who”;

(q) Section 48 shall be modified—

(a) as if for sub-sections (1.) to (4.) there were substituted the following sub-sections:—

“(1.) If any land acquired under this Act by agreement is subject to a mortgage, the Commissioner may pay off the mortgage at any time at which the principal secured by the mortgage is repayable.

“(2.) If the principal secured by the mortgage is not repayable at the date of acquisition or at any time within six months thereafter, the Commissioner may give notice to the mortgagee that
he intends at the expiration of six months from
the date of the notice, to pay off the mortgage
and may at any time after that period has expired
pay to the mortgagee the amount to which he is
entitled under this section.

"(3.) The amount to which a mortgagee is
entitled under this section shall be—

(a) the principal secured by the mortgage;

(b) the interest due under the mortgage at the
lowest rate secured by the mortgage
(whether for prompt payment or other-
wise) at the date upon which the
amount to which the mortgagee is
entitled under this section is paid or
tendered to the mortgagee;

(c) the costs and charges (if any) due to the
mortgagee under the mortgage;

(d) the reasonable costs of the mortgagee of
discharging the mortgage and conveying
his interest in the land to the Com-
missioner; and

(e) if the principal is not repayable under the
mortgage (with or without notice) at
the time the mortgage is paid off—

(i) the costs of the mortgagee of re-
investing the principal paid
off; and

(ii) should a loss of interest reason-
ably be expected, regard being
had to the rate of interest
secured by the mortgage and
the rate of interest obtained
or likely to be obtained on the
re-investment—a reasonable
allowance for loss of interest
until the date on which the
principal would have been
repayable (with or without
notice).

"(4.) The mortgagee shall upon payment or
Tender to him of the amount to which he is
entitled under this section execute a discharge
of the mortgage and any conveyances necessary
to convey his interest in the land to the Com-
missioner."; and

(b) as if from sub-section (8.) there were omitted the
words "for and on behalf of the Common-
wealth";
Sections 49 and 50 shall be modified to read as follows:

"49.—(1.) Where any land acquired by compulsory process is at the time of acquisition subject to a mortgage, the mortgagee may either—

(a) claim compensation under division 2 of Part IV. of this Act; or
(b) refrain from claiming compensation under this Act and rely upon his rights and remedies against the mortgagor under the mortgage.

"(2.) The mortgagee shall set forth in his claim—

(a) the amount of principal due under the mortgage at the date of the acquisition of the land; and
(b) the amount of interest, costs and charges due to the mortgagee under the mortgage at that date.

"(3.) When a mortgagee claims compensation under this Act the acquisition of the land shall to the extent to which the compensation payable to the mortgagor in respect of the land mortgaged is sufficient to satisfy the mortgage debt, have the effect of discharging the mortgage debt and extinguishing the liability of the mortgagor under the mortgage as from the date of acquisition.

"(4.) The Commissioner may by notice in writing sent by post addressed to the mortgagee at the address given in the mortgage, require the mortgagee to—

(a) furnish particulars of—

(i) the amount of principal due under the mortgage at the date of the acquisition of the land, and
(ii) the amount of interest, costs and charges due to the mortgagee under the mortgage at that date; and

(b) make a claim under this Act for compensation as mortgagee.

"(5.) If the mortgagee fails to furnish the particulars to the Commissioner, and to make a claim for compensation within thirty days (or such further period as the Commissioner may in writing allow for that purpose) after the date of the notice, he shall be deemed to have waived all rights under this Act to compensation as mortgagee and shall be absolutely debarred from claiming or recovering as mortgagee any compensation or other amounts from the Commissioner.

"(6.) The Commissioner may by notice in writing served upon the owner of the land, either personally or by registered letter posted to his last-known place of abode, require the owner to furnish the following particulars:—

(a) whether or not the land is subject to a mortgage; and
(b) if so—

(i) the name and address of the mortgagee;
and

(ii) the amount of principal due under the mortgage at the date of acquisition;
and

(iii) the amount of interest, costs and charges due to the mortgagee under the mortgage at that date.

"(7.) If the owner of the land fails to furnish the particulars to the Commissioner within thirty days (or such further period as the Commissioner may in writing allow for that purpose) after the service of the notice, the Commissioner may agree with any person claiming to be a mortgagee of the land as to the amounts due under the mortgage and the owner shall be absolutely debarred from disputing the correctness of any amounts so agreed upon."

(6) Section 51 shall be modified to read as follows:—

"(1.) The compensation payable to a mortgagee shall be—

(a) the principal due under the mortgage at the date of acquisition; and

(b) any interest, costs or charges due to the mortgagee under the mortgage at that date,
but not exceeding in any case the amount of compensation payable to the mortgagee in respect of the land.

"(2.) In addition to the compensation mentioned in sub-section (1.) of this section the mortgagee shall be entitled to the following amounts:—

(a) (i) if the principal was repayable (with or without notice) at the date of the acquisition of the land, interest on the amount of principal included in the compensation at the lowest rate (whether for prompt payment or otherwise) secured by the mortgage from the date of acquisition until payment of the compensation to the mortgagee; or

(ii) if the principal was not repayable (with or without notice) at the date of the acquisition of the land, interest on the amount of principal included in the compensation at the lowest rate (whether for prompt payment or otherwise) secured by the mortgage from the date of acquisition until the principal would be repayable (with or without notice) or until payment of the compensation to the mortgagee (whichever is the later) but not in any case exceeding six months from the date of acquisition; and
(b) the reasonable costs of the mortgagee of executing any discharge or mortgage required by
the mortgagor, or the Commissioner; and

(c) if the principal was not repayable (with or without notice) at the date when interest
ceases to be payable under this section—

(i) the costs of the mortgagee of re-investing the principal paid off; and

(ii) should a loss of interest reasonably be expected, regard being had to the rate
of interest secured by the mortgage and the rate of interest obtained or
likely to be obtained on the re-investment—a reasonable allowance for
loss of interest until the date on which the principal would have been
repayable (with or without notice).

"(3.) Where the Commissioner gives notice to the
mortgagee that the compensation is ready for payment,
and the mortgagee does not, on or before a date specified
in the notice, attend and receive payment of the com-
pen-sation, interest under sub-section (2.) of this section
shall be payable only to the date specified in the notice.");

(7) Section 53 shall be modified to read as follows:

"(1.) The compensation payable to a mortgagee under
sub-section (1.) of section 51 shall be deducted from the
compensation payable to the mortgagor.

"(2.) Upon payment or tender of the compensation to
the mortgagee, he shall if so required by the mortgagor
or the Commissioner execute a discharge of the mortgage
to the extent to which the amount paid or tendered is
sufficient to satisfy the mortgage.

"(3.) The rights and remedies of the mortgagee shall
not be affected as regards the remainder (if any) of the
mortgage debt, or as regards any other land subject to
the mortgage.");

(u) Section 53 shall be modified as if for the words "has waived
his rights to" there were substituted the words "refrains
from claiming";

(v) Section 56 shall be modified as if for sub-section (3.) there
were substituted the following sub-section:

"(3.) After the apportionment has been settled, then—

(a) in respect of the part not acquired—

(i) the lessee shall as to future accruing
rent be liable only to the lessor for
the rent apportioned to such part;
and

(ii) the lessor shall have the same rights
and remedies, both against the land
and against the lessee, for the rent
so apportioned as he had previously
to the apportionment for the whole
rent; and
(iii) all covenants, conditions and agreements in the lease (except as to the amount of rent) shall remain in force; and

(b) in respect of the land acquired, if the lessee continues after the date of acquisition in occupation of such land—

(i) the lessee shall as to future accruing rent be liable to the Commissioner for the rent apportioned to such land;

(ii) and the Commissioner shall have the same rights and remedies both against the land and against the lessee, for the rent so apportioned as the lessor previously had for the the whole rent.”

PART VI.—ADVANCES ON MORTGAGE FOR PURPOSES OF HOMES.

Division 1.—General.

28. Each application for an advance shall specify the purpose for which the advance is required and the amount of the advance required.

29. No advance shall be made and no instalment thereof shall be paid until the borrower has executed a mortgage in accordance with a form and containing conditions approved by the Commissioner and securing the full amount of the advance.

30. The plans and specifications of a dwelling-house, in respect of which an application for an advance is made for any of the purposes specified in paragraphs (a), (b), (d) and (e) of section 20 of the Act, shall comply with the following conditions—

(a) Each plan shall show—

(i) a plan of the building, section and two elevations;

(ii) general construction; and

(iii) figured dimensions.

(b) Every specification shall clearly describe the whole of the work and materials required for carrying out the construction of the building.

31. The borrower shall whenever required so to do by the Commissioner, a delegate or an authorized person, or by a State Savings Bank or other institution prescribed under section 50 of the Act, furnish a full and true account, verified by statutory declaration, of the manner in which the advance or any instalment thereof has been disbursed.

Division 2.—Advances by Instalments.

32. Advances may be made by instalments for the purpose of erecting, completing or enlargeing dwelling-houses.

33. In this division of this Part the word “work” means the work of erecting, completing or enlarging a dwelling-house.
34. The applicant for an advance by instalments shall in his Application for advance by instalments.
application state the approximate number of instalments he will require Notice for payment of instalments.
and the date of completion of the work for which the advance is required.

35. Whenever an applicant for an advance or a borrower desires Payment of an instalment or further instalment of an advance he shall give to the Commissioner notice in writing of such desire.

36.—(1.) The Commissioner may authorize officers to give certificates Certificates of value.
of value of dwelling-houses which are being erected, completed or enlarged.

(2.) A certificate of value signed by an authorized officer and Amount of instalments.
approved by the Commissioner or a delegate shall, as against the applicant for an advance or the borrower, be conclusive evidence of the
value of the dwelling-house at the date of the certificate.

37. The amount of any instalment of an advance shall not exceed 90 per centum of the value of the dwelling-house as certified by a certificate Valuation fee.
of value under these Regulations less all amounts previously advanced Distinction of valuation fee from amount of instalment.
under the Act in respect of the dwelling-house and unrepaid.

38. The borrower shall for each certificate of value given for the purpose of an instalment pay to the Commissioner such valuation fee (if any) as is fixed by the Commissioner. Preservation of dwelling-house.

39. The Commissioner may, if he thinks fit, deduct the valuation fee Deduction of valuation fee from amount of instalment.
from the amount of the instalment and in that case the borrower shall, notwithstanding the deduction, be deemed to have received the instalment in full.

40. The applicant for an advance or the borrower shall at all times during the progress of the work to the best of his ability preserve the dwelling-house from destruction or damage. Time of payment of instalments.

41. No instalment of an advance shall be paid after the expiration of the time specified in the application for the completion of the work unless the Commissioner approves in writing of the payment. Time of payment of instalments.

42. If an applicant for an advance or a borrower— Failure by borrower to proceed with work satisfactorily.

(a) fails to proceed with the work at a rate and in a manner satisfactory to the Commissioner; or

(b) fails to proceed with the work in accordance with the plans and specifications of the dwelling-house approved by the Commissioner—

the Commissioner may—

(i) by notice in writing require the applicant or borrower to proceed with the work at the rate and in the manner specified in the notice; and

(ii) withhold payment of any instalment or further instalment of the advance until the applicant or borrower proceeds with the work to his satisfaction.

43. If an applicant for an advance or a borrower— Default of borrower.

(a) fails to proceed with the work at the rate and in the manner specified in a notice given by the Commissioner; or
(b) fails in the opinion of the Commissioner during the progress
of the work to preserve to the best of his ability the
dwelling-house from destruction or damage; or
(c) fails in any way to comply with the conditions under which
the advance is being made—

he shall be deemed to be in default under the mortgage and the Com-
missioner may—

(i) by notice in writing at once call in the amount due under the
mortgage whether for principal or interest or otherwise; or
(ii) enter on the mortgage land and complete the work either by
contract or otherwise as he thinks fit and the amount
expended by the Commissioner shall be deemed to have
been advanced to and be due by the applicant or borrower
under the mortgage.

44. Interest at the prescribed rate on each and every instalment of interest,
an advance—

(a) shall be payable by the borrower from the date of payment
of the instalment by the Commissioner; and
(b) shall be paid to the Commissioner in such manner and at
such time or times as the Commissioner in each case
determines.

PART VII.—INSURANCE OF DWELLING-HOUSES AND BUILDING
MATERIAL.

45.—(1.) In this Part, unless the contrary intention appears—

“authorized officer” means any person authorized by the
Commissioner to make inspections and valuations of any
property;

“property” includes any dwelling-house or building material
which may be insured in pursuance of section 38 of the Act;

“the assured” means the person (other than the Commissioner)
for whose benefit any property is insured in pursuance of the
Act.

(2.) For the purposes of this Part—

(a) property shall only be deemed to be damaged by lightning if
it is damaged by reason of the property or any adjoining
premises being struck by lightning;

(b) property shall not be deemed to be damaged by flood or
tempest where the damage so caused was due to the
omission of the assured—

(i) in the case of building material, to take all reason-
able precautions to safeguard the material from
any such damage; or

(ii) in the case of a dwelling-house, to keep the dwelling-
house, and in particular the roofs, drains and
spouting thereof, in good order and repair; and

(c) a dwelling-house shall not be deemed to be damaged by
tempest unless the damage is caused by reason of a breach
being made in the dwelling-house by the tempest; and
(d) property shall not be deemed to be damaged by explosion when the assured has, without the consent in writing of the Commissioner, allowed any explosive or dangerously inflammable substance to be kept on the property;

(e) property shall not be deemed to be damaged by riot, civil commotion, strikes or labour disturbances where the assured has been a party to such disturbances;

(f) property shall not be deemed to be damaged by burglary where the assured has failed to lock up the property securely during unoccupancy whether temporary or otherwise;

(g) property shall not be deemed to be damaged by aircraft unless the damage is caused by the falling of the aircraft or by any article dropping therefrom; and

(h) property shall not be deemed to be damaged by the bursting of boilers, hotwater pipes or heating apparatus where the assured has failed to keep same in good working order and repair.

46. All insurances in pursuance of the Act shall, unless the Commissioner otherwise directs, be effected with the Commissioner, and all premiums for such insurances effected with the Commissioner shall be paid to the Commissioner and credited to the War Services Homes Insurance Trust Account in accordance with section 40 of the Act.

47. The Commissioner shall, from time to time for the purpose of insurance in pursuance of the Act, cause inspections and valuations of property to be made by authorized officers.

48. The authorized officer, after inspection of any property, shall report to the Commissioner—

(a) the value at the time of inspection of the property exclusive of the land on which it is situated;

(b) the presence of any special or unusual danger to the property from prescribed risks; and

(c) any other matter or thing relevant to the question of insurance or which may be required by the Commissioner for the purpose of insurance.

49. The value of the property as stated in the report of the authorized officer shall, as against the purchaser or borrower, be conclusive for the purpose of insurance.

50. The Commissioner shall from time to time determine the amount for which any property shall be insured in pursuance of the Act and the amount of the premium payable for the insurance.

51. Property insured in pursuance of the Act shall be insured for—

(a) such amount as is determined from time to time by the Commissioner; and

(b) (if the Commissioner thinks fit) an amount equal to the sum of the instalments (if any) payable in respect thereof by a purchaser or borrower for a period of six months.
52.—(1.) Water tanks may be insured for the benefit of a purchaser or borrower against flood or tempest.

(2.) Such outbuildings as the Commissioner specifies shall not be insured for the benefit of a purchaser or borrower against any prescribed risk.

53.—(1.) If at any time it appears to the Commissioner that there is a special or unusual danger to any property from a prescribed risk the Commissioner may—

(a) require the purchaser or borrower to forthwith remove the cause of danger if it is capable of removal;

(b) decline to insure or may cancel any insurance of the property against that particular risk otherwise than for the benefit of the Commissioner until the cause of danger is removed; and

(c) insure the property against that particular risk for the benefit of the Commissioner until the cause of danger is removed.

(2.) If a purchaser or borrower fails to remove a cause of danger to a dwelling-house within the time specified by the Commissioner for that purpose—

(a) the presence of the cause of danger shall be deemed to be a want of repair within the meaning of section 31 of the Act; and

(b) the Commissioner may exercise all the powers conferred upon him by that section to the same extent as if after notice in writing by the Commissioner the purchaser or borrower had not complied with the requirements of that section.

54. No explosive or dangerously inflammable substance shall, without the consent in writing of the Commissioner, at any time be brought or kept upon a dwelling-house insured in pursuance of the Act.

55.—(1.) The purchaser or borrower shall give to the Commissioner not less than three days' notice in writing before—

(a) carrying on or permitting to be carried on any trade or manufacture in the dwelling-house; or

(b) making any alteration in the manner in which a trade or manufacture is carried on in the dwelling-house.

(2.) Whenever a change takes place in the purpose for which any premises adjoining a dwelling-house are occupied, the purchaser or borrower shall forthwith notify the Commissioner in writing of the change.

56.—(1.) The purchaser or borrower shall give to the Commissioner not less than three days' notice in writing before making any improvements, alterations or additions to the dwelling-house.

(2.) If the purchaser or borrower fails to give the notice required by the last preceding sub-regulation, the improvements, alterations and additions shall not, until the Commissioner otherwise determines, be deemed to be insured in pursuance of the Act for the benefit of the purchaser or borrower.
57.—(1) When the Commissioner has determined the amount for which any property shall be insured in pursuance of the Act he shall sign a certificate of insurance in accordance with Form A in the Schedule to these Regulations, and thereupon the property shall be deemed to be insured in pursuance of the Act against the risks and for the amount stated in the certificate for the benefit of the person named in the certificate.

(2) When the insurance is for the benefit of any person other than the Commissioner a copy of the certificate shall be forwarded to the assured.

(3) If a dwelling-house is destroyed or damaged by a prescribed risk before a certificate of insurance has been signed by the Commissioner, the Commissioner may, if he thinks fit, treat the property as having been covered by insurance in pursuance of the Act for the benefit of the purchaser or borrower, and, upon the purchaser or borrower complying with all the obligations of an assured under these Regulations, may exercise for the benefit of the purchaser or borrower any of the powers conferred upon the Commissioner by section 41 of the Act.

58. On the destruction or damage by fire, lightning, flood or tempest or from any other cause whatsoever of any property insured in pursuance of the Act the assured shall forthwith—

(a) notify the Commissioner thereof in writing at the place specified in the certificate of insurance;
(b) furnish to the Commissioner full particulars of the destruction or damage and all information in his possession in regard thereto and of the cause thereof; and
(c) furnish to the Commissioner all further information required by the Commissioner in connexion with the matter.

59. If the assured—

(a) fails within three days after the destruction or damage of the property to notify the Commissioner thereof in writing; or
(b) fails to forthwith furnish to the Commissioner the particulars or information required by these Regulations or by the Commissioner—

the Commissioner may, if he thinks fit, treat the insurance of the assured as having been thereby avoided.

60. On the destruction or damage of any property by a prescribed risk the Commissioner may—

(a) enter and take possession of the property; and
(b) remove and sell or convert to his own use any damaged material and pay the proceeds or value thereof into the War Service Homes Insurance Trust Account.

61.—(1) Where in the case of damage or loss from flood or tempest the damage to, or loss of, the property insured does not, in the opinion of the Commissioner, exceed Two pounds in value, the Commissioner may refuse to draw any amount from the War Service Homes Insurance Trust Account to make good the damage or loss, and may require the purchaser or borrower to make good the damage or loss.
(2.) Where in the case of damage or loss from flood or tempest the damage to, or loss of, the property insured exceeds Two pounds in value the Commissioner may refuse to draw from the War Service Homes Insurance Trust Account any amount greater than that necessary to make good the damage or loss less Two pounds, and may require the purchaser or borrower to make good the damage or loss to the extent of Two pounds in value.

(3.) Where the purchaser or borrower fails, neglects, or refuses to comply with any requirement of the Commissioner under this regulation, the Commissioner may exercise all the powers conferred upon him by section 31 of the Act to the same extent as if, after notice in writing by the Commissioner, the purchaser or borrower had not complied with the requirements of that section.

62.—(1.) If the property is destroyed or damaged by a prescribed risk, and the Commissioner decides to make good the loss or damage, it shall not be necessary for him to reinstate exactly or completely that which has been lost or damaged, but he may make good the loss or damage to the extent and in a manner that he determines to be reasonably sufficient, and his determination in this connexion shall be final and conclusive.

(2.) On the loss or damage referred to in the last preceding sub-regulation being made good to the extent and in the manner determined by the Commissioner, the authorized officer shall certify to that effect, and this certificate shall, as between the Commissioner and the assured, be conclusive evidence of the completion of the work incidental to making good the loss or damage.

63. If anything is, without the knowledge and approval of the Commissioner, done, or omitted to be done, to or in connexion with any property whereby the danger to the property from a prescribed risk is increased, the Commissioner may, if he thinks fit, treat any insurance against that particular risk (other than an insurance for the benefit of the Commissioner) as having been thereby avoided.

64.—(1.) Every applicant for an advance shall furnish to the Commissioner with his application full particulars of—

(a) any existing insurances of the dwelling-house in respect of which the advance is desired; and

(b) any claims previously made by the applicant upon an insurance company in respect of damage by a prescribed risk to the dwelling-house or any other property of the applicant.

(2.) Any property insured in pursuance of the Act shall not at any time, unless the Commissioner otherwise directs, be insured or kept insured otherwise than in pursuance of the Act.

65. If a dwelling-house insured in pursuance of the Act remains unoccupied without the consent in writing of the Commissioner for a period exceeding 30 consecutive days, the Commissioner may treat any insurance in pursuance of the Act for the benefit of the purchaser or borrower as having been thereby avoided.

66. Every purchaser or borrower shall at all times to the best of his ability preserve the property from danger from prescribed risks.
67. If, on the destruction or damage by a prescribed risk of any property insured in pursuance of the Act, the assured fails to prove to the satisfaction of the Commissioner—

(a) that the destruction or damage did not arise from or in consequence of any wilful or grossly negligent act or omission of the purchaser or borrower or of any other person with the knowledge and connivance of the purchaser or borrower;

(b) that the claim is made bona fide and without fraud or concealment and that no false or misleading information has been given by the assured in connexion with the insurance or the claim; and

(c) that the assured has complied in all respects with the provisions of the Act and these Regulations relating to insurance—

the Commissioner may treat the insurance of the assured as having been thereby avoided.

68. All property shall at all times be deemed to be insured in pursuance of the Act for the benefit of the Commissioner.

69. The Commissioner may determine the amount of, and pay into the War Service Homes Insurance Trust Account, premiums for the insurance of any property in pursuance of the Act for the benefit of the Commissioner.

70.—(1.) The Commissioner may, if he thinks fit, treat any insurance in pursuance of the Act (other than an insurance for the benefit of the Commissioner) as having been avoided if a premium due by the assured remains unpaid for a period of one month after the date upon which it becomes payable.

(2.) Upon payment to him of all premiums due and unpaid the Commissioner may again insure the property in pursuance of the Act for the benefit of the purchaser or borrower as the case may be.

(3.) Notwithstanding anything contained in these Regulations the Commissioner may if he thinks fit pay any premiums due and unpaid by the assured and may charge the assured with the amount so paid.

71. Every insurance in pursuance of the Act shall forthwith cease and be of no effect upon the insured property ceasing to be subject to the Act.

72. On the destruction or damage of any property insured in pursuance of the Act in circumstances entitling the assured to recover damages or compensation from any other person the Commissioner may—

(a) decline to exercise his powers under section 41 of the Act for the benefit of the assured until the assured has recovered from the other person all damages and compensation to which the assured is entitled;

(b) exercise his powers under section 41 of the Act for the benefit of the assured and recover for his own benefit from the other person all damages and compensation to which the assured is entitled.
73. Any damage done to property by a fire brigade in extinguishing or preventing or locating fire shall for the purpose of insurance in pursuance of the Act be deemed to be damage by fire.

74. No provision, condition or requirement under these Regulations requiring any act, matter or thing to be done or written shall be deemed to be waived by reason of any alleged notice or waiver which has not been expressly written, and the Commissioner shall not be deemed to have waived any provision, requirement or condition of these Regulations or of the insurance under these Regulations or any forfeiture, cancellation or avoidance of the insurance, unless the provision, requirement, condition, forfeiture, cancellation or avoidance is expressly stated in writing by or on behalf of the Commissioner to have been waived by the Commissioner.

PART VIII.—MISCELLANEOUS.

75. The Governments of the several States of the Commonwealth and the Commonwealth Bank of Australia shall, for the purposes of section 50 of the Act, be prescribed institutions.

76. Any notice required by these Regulations to be given may be served personally or by post, and, if required to be given to a purchaser or borrower, shall be deemed to have been duly given—

(a) if served personally or by post upon the purchaser or borrower either at the dwelling-house purchased from, or in respect of which an advance has been made by, the Commissioner, or at the last known address of the purchaser or borrower, or

(b) in the event of the death of the purchaser or borrower—

(i) where probate or letters of administration have been granted—if served personally or by post upon the executor or administrator of the estate of the purchaser or borrower; or

(ii) where probate or letters of administration have not been granted—if served personally or by post upon the occupier of the land or dwelling-house purchased from, or in respect of which an advance has been made by, the Commissioner, or, in the event of there being no occupier, if affixed upon some conspicuous part of the land or dwelling-house.

77. Any certificate, insurance policy, notice or other document purporting to bear the written, stamped or printed signature of the Commissioner, a delegate, or an authorized person, shall, until the contrary is proved, be deemed to have been duly signed by the person by whom it purports to be signed.

78.—(1.) In any proceedings instituted by or on behalf of the Commissioner (whether before or after the commencement of this regulation) for the recovery of possession of any dwelling-house and
land in pursuance of section 30A of the Act a certificate in writing signed by the Commissioner or delegate or an authorized person certifying that—

(a) a person named in the certificate—

(i) purchased the dwelling-house and land described in the certificate from the War Service Homes Commissioner, or from the State Bank of South Australia or a State authority referred to in the definition of "Bank" contained in the Agreement set forth in the Schedule to the War Service Homes (South Australia) Agreement Act 1934, as the case may be; or

(ii) received an advance from, or executed a mortgage or other security to, the War Service Homes Commissioner or the State Bank of South Australia or a State authority referred to in the definition of "Bank" contained in the Agreement set forth in the Schedule to the War Service Homes (South Australia) Agreement Act 1934, as the case may be, in respect of the dwelling-house and land described in the certificate;

(b) the said person subsequently to the execution of the contract of sale, mortgage or other security in respect of the said dwelling-house and land entered into occupation of the dwelling-house and land included in the contract of sale, mortgage or other security;

(c) the said person failed to comply with the prescribed terms and conditions and the terms and conditions contained in the contract of sale, mortgage or other security in the respect or respects specified in the certificate; and

(d) the War Service Homes Commissioner has determined the tenancy by the said person of the said dwelling-house and land;

shall be prima facie evidence of the matters so certified.

(2) Judicial notice shall be taken of the signature appearing on any such certificate and of the fact that the person whose signature it purports to be is, or has been, the Commissioner or a delegate or authorized person, as the case may be.

(3) In any proceedings to which this regulation applies, it shall not be necessary to prove the signature of any person to any agreement, contract or mortgage relating to the dwelling-house and land of which recovery of possession is sought, if the Commissioner or a delegate or authorized officer certifies in writing that the agreement, contract or mortgage is the original document filed in the office of the Commissioner or of a Deputy Commissioner, as the case may be, in respect of that dwelling-house and land, and that agreement, contract or mortgage shall be deemed to have been signed by the person or persons whose signature or signatures it purports to bear.
79. A certificate signed by the Commissioner, a delegate or an authorized person, containing a statement of the account of a purchaser or tenant, to whom land has been sold or leased under section 48 of the Act, shall be evidence of the matters stated.

80.-(1.) The Commissioner may by writing under his hand and seal delegate any of his powers under these Regulations (except this power of delegation) in relation to any matters or class of matters or to any particular State or Territory so that the delegated powers may be exercised by the delegate with respect to the matters specified or the State or Territory defined in the instrument of delegation.

(2.) Every delegation by the Commissioner shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Commissioner.

(3.) Whenever a certified copy of a delegation by the Commissioner of any of his powers or functions under the Act or these Regulations is lodged with the Registrar-General or other proper officer of a State or Territory, the Registrar-General or such other officer may, if he thinks fit, until—

(i) the expiration of the time stated in the delegation for the operation thereof; or

(ii) notice of revocation of the delegation has been lodged with him—

(whichever shall first occur) register any deed, instrument, or document executed or signed by the delegate, and purporting to be executed or signed pursuant to such delegation.

(4.) If any such deed, instrument, or document is registered pursuant to this regulation, the Commissioner shall not be entitled to maintain any action against the Registrar-General or such other officer by reason only that—

(a) the delegation had in fact been revoked prior to the execution or signature of the deed, instrument, or document; or

(b) the deed, instrument, or document was not authorized by the Act or the Regulations; or

(c) the delegation did not authorize the delegate to execute or sign the deed, instrument, or document.

81. The Deputy Commissioner of Repatriation for a State appointed under the Australian Soldiers' Repatriation Act 1920-1933 shall for the purposes of section 47 of the Act be a prescribed authority of the Department of Repatriation.

82.—(1.) Notice of the intention of the Commissioner to make an application for a warrant pursuant to sub-section (3.) of section 30A of the Act shall be served upon the tenant not less than seven days before the time stated in the notice as the time at which the application will be made (Form D).

(2.) Service of the notice shall be deemed to have been duly effected if the notice or a true copy thereof is—

(a) delivered to the tenant personally; or

(b) delivered to a person apparently over the age of sixteen years at, and apparently an inmate of, the dwelling house and land the subject of the tenancy; or
(c) affixed in a prominent position on the front or other door of the dwelling-house and land the subject of the tenancy; or
(d) posted by prepaid registered post addressed to the tenant at the dwelling-house and land the subject of the tenancy.

(3.) Service of the notice may be proved by affidavit indorsed upon the notice or a copy thereof (Form C). The affidavit may be sworn before a justice of the peace, or a commissioner for affidavits.

(4.) The notice or a copy thereof with an affidavit of service duly completed indorsed thereon shall be left with the clerk of the court before the day upon which the application is to be made and the application shall be included in the list of matters to be dealt with by the court upon that day.

(5.) Forms B, C and D in the Schedule to these Regulations or forms to the like effect shall suffice as forms of notice, affidavit and warrant respectively under section 30A of the Act and this regulation.

83. Notwithstanding anything contained in any Contract of Sale or Mortgage, all payments by a purchaser or borrower under the Act or these Regulations in respect of any property specified in any notification published in the Gazette in pursuance of section five of the War Service Homes Agreement Act 1932, or in pursuance of section four of the War Service Homes (South Australia) Agreement Act 1934, shall be made at the office of the Commissioner or at the post office nearest to the place where the property is situate.

THE SCHEDULE.

FORM A.
COMMONWEALTH OF AUSTRALIA.
War Service Homes Act 1918-1925.
Certificate of Insurance No. .........

1. The War Service Homes Commissioner has in pursuance of the War Service Homes Act 1918-1925 insured against fire, lightning, flood, tempest, and damage by explosion, thunderbolt, earthquake, riot, civil commotion, strikes, labour disturbances, burglary or housebreaking (including any attempt thereat), aircraft, bursting of boilers, hot water pipes or heating apparatus, the property described in Column 7 of the Schedule hereto.

2. The insurance is for the benefit of the War Service Homes Commissioner and the person mentioned in Column 1 of the said Schedule, which person is hereinafter called the Assured.

3. The amount of the Insurance is as shown in Column 6 of the said Schedule, which amount is made up in the manner shown in Column 7 of the said Schedule. The first premium for the period ending 30th April now next ensuing as shown in Column 2 of the said Schedule is payable forthwith.

4. Annual premiums each of the amount shown in Column 4 of the said Schedule are payable by the Assured in advance on the 30th day of April in each year, the first of such premiums being payable on the 30th day of April now next ensuing.

5. Premiums are payable to the Deputy Commissioner for War Service Homes at the place mentioned in Column 5 of the said Schedule.

6. Should the property be destroyed or damaged, notice in writing thereof must forthwith be given by the Assured to the Deputy Commissioner for War Service Homes at the place at which premiums are payable.

7. The Insurance commences on the date shown in Column 3 of the said Schedule.
8. The Insurance and all matters stated in this Certificate are subject to withdrawal, cancellation, variation, or amendment at any time by the Commissioner.

9. The Insurance is effected subject in all respects to the War Service Homes Act 1918-1933 and any amendment thereof and to the Regulations in force for the time being thereunder.

10. The Commissioner will not be responsible for the first £2 of any claim where the damage or loss is caused by flood or tempest.

11. No claim will be allowed in respect of damage by tempest to the interior of a dwelling-house unless caused by reason of a breach being made in such dwelling-house by the tempest.

12. No explosive or dangerously inflammable substance shall, without the consent in writing of the Commissioner, be brought upon the property.

13. Whenever a change takes place in the purpose for which the property or any adjoining property is occupied, notice in writing must forthwith be given by the Assured to the Commissioner.

14. The property shall not at any time be insured or kept insured otherwise than in pursuance of the War Service Homes Act 1918-1933 and any amendment thereof.

15. If any additions, alterations or improvements are made to the property noticed in writing must forthwith be given by the Assured to the Commissioner for the purpose of including such additions, alterations or improvements in this Insurance and, if approved, of having the amount of Insurance increased. If additions, alterations or improvements are not so notified to the Commissioner and same are destroyed or damaged by any of the risks specified in clause 1 of this Certificate, then no moneys will be paid under this Insurance in respect thereof.

### SCHEDULE

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<th>Column 5</th>
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<td>Amount of First Premium payable.</td>
<td>Insurance Commences on—</td>
<td>Amount of Annual Premium payable on 30th April each year</td>
<td>Premiums payable at—</td>
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### Column 7

Description of Property Insured and manner in which amount of Insurance is made up.

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<tr>
<th>Location.</th>
<th>Construction.</th>
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<td>Walls.</td>
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<td>Stables</td>
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<td>W.C.</td>
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<td>Tank and Shaft</td>
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<td>Fencing</td>
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<td>Six Months* Instalments</td>
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Dated at this day of Insurance Officer. 10 Commissioner.
FORM B.
War Service Homes Act 1918-1935,
NOTICE OF APPLICATION TO A COURT OF SUMMARY JURISDICTION FOR A WARRANT UNDER SECTION 30A (3).

To

Take notice that your tenancy under the War Service Homes Act 1918-1935 of the dwelling-house and land situate at 
has been determined by the War Service Homes Commissioner under the powers conferred upon him by section 30A of the said Act. And that you are hereby required to forthwith quit and deliver up the said dwelling-house and land to the said Commissioner.

And take further notice that if possession of the said dwelling-house and land is not delivered up to the said Commissioner before the day of 19 , application will be made to the Court, at a Court of summary jurisdiction at the hour of in the noon on the said day or so soon thereafter as the Commissioner may be heard for the issue of a warrant under the said section authorizing entry to be made upon the said dwelling-house and land and possession thereof to be given to the said Commissioner.

Dated this day of 19 .

War Service Homes Commissioner.

FORM C.

In the Court

at in the State of

AFFIDAVIT OF SERVICE.

I, of make oath and say that I served the within notice by—

(a) delivering the said copy to the tenant personally at

(b) delivering the said copy to a person apparently over the age of sixteen years at, and apparently an inmate of, the dwelling-house and land the subject of the tenancy;

(c) affixing the said copy in a prominent position on the door of the dwelling-house and land the subject of the tenancy;

(d) enclosing the said copy in an envelope addressed as follows:—

and by affixing all necessary postage stamps to such envelope and paying all necessary fees for registration thereof and by posting such envelope at the Post Office at Post Office form of receipt for such registered letter duly signed

by the within-named tenant marked as an exhibit hereto with the letter "B" on the day of 19 , at the hour of

o'clock in the noon.

Signed and sworn at in the said State the day of 19 .

Before me—

A Justice of the Peace.

FORM D.

In the Court, at in the State of

War Service Homes Act 1918-1935, Section 30A (3).

WARRANT TO ENTER AND GIVE POSSESSION TO THE WAR SERVICE HOMES COMMISSIONER.

Whereas (hereinafter called the tenant) was deemed to be the tenant of the War Service Homes Commissioner within the meaning of the War Service Homes Act 1918-1935 of the dwelling-house and land situate at in the State of
And whereas the said tenant failed to comply with the terms and conditions of the tenancy and the said Commissioner in pursuance of section 30A(2) of the said Act determined the said tenancy.

And whereas the said tenant has failed to deliver up possession of the said dwelling-house and land to the said Commissioner and still retains the same.

And whereas the said Commissioner has this day made application to the Court, a Court of summary jurisdiction, at 

in the said State before me a Magistrate for the issue of a warrant directed to such person as the Court thinks fit, requiring him, within a period to be specified in the warrant, to enter (if need be by force) into the said dwelling-house and land and to give possession of the same to the said Commissioner.

And whereas the above recited grounds for such application have been duly proved to the satisfaction of the said Court.

Now therefore this Court of summary jurisdiction doth hereby under the powers conferred by the said section 30A authorize and command you on any day (except on Sunday) between the hours of Nine o'clock in the forenoon and Four o'clock in the afternoon within a period of days next after the date of this warrant to enter (if need be by force) into the said dwelling-house and land and to give possession of the same to the said War Service Homes Commissioner and for so doing this shall be your warrant.

Given under my hand this day of , 19 .

To of

Magistrate sitting as a Court of Summary Jurisdiction.