



ANNO SEPTIMO

GEORGII V REGIS.

A.D. 1916.

No. 1246.

An Act to further amend the Advances for Homes Act, 1910.

[Assented to, November 16th, 1916.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the “Advances for Homes Act Further Amendment Act, 1916.” Short titles.

(2) The Advances for Homes Acts, 1910 to 1912, and this Act may be cited together as the “Advances for Homes Acts, 1910 to 1916.” No. 1018 of 1910.
No. 1047 of 1911.
No. 1096 of 1912.

(3) The Advances for Homes Act, 1910, is hereinafter referred to as “the principal Act.”

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendment of Principal Act.

3. Section 4 of the principal Act is amended by substituting the words “Two Hundred and Ninety Four Pounds” for the words “Two Hundred and Fifty-two Pounds” in proviso (a) to subsection (2) thereof. Amendment of section 4 of principal Act.—Remuneration to trustees for administration of Acts.

Additional Provisions.

4. (1) Any such person as is referred to in subsection (5) of this section who desires to purchase any land with a view to erecting thereon a dwelling house as a home for himself and his family, and is unable to do so without such assistance as is provided for Persons may request Board to purchase land for dwelling-house.

Advances for Homes Act Further Amendment Act.—1916.

for by this Act, may request the Board to purchase such land for the purpose of enabling him to purchase the same from the Board by instalment in manner provided by this Act.

(2) Every request under this section shall be in writing, and shall be in such form, and be accompanied by such particulars, as are prescribed.

(3) The person making such request shall furnish the Board with such evidence as to the matters mentioned in section 5 of this Act as is prescribed, or as the Board require him to furnish.

(4) Such person shall also at the time of making his request deposit with the Board a sum equal to twenty per centum of the purchase price of the land (including the costs and expenses referred to in section 6 of this Act), which deposit shall be held by the Board to the credit of the last of the instalments to be paid pursuant to the agreement to be entered into by him under section 7 of this Act and such other of the immediately preceding instalments as the deposit is sufficient to meet.

(5) No person shall be qualified to make a request under this section unless he is—

- (a) a returned soldier, or
- (b) the widow or one of the parents of a person who has died on active service.

In this subsection—

“Active service” means service as a member of the Australian Imperial Force or of any other naval or military force raised in the Commonwealth by the Minister of Defence for service in the war in which His Majesty is at present engaged:

“Returned soldier” means any person who—

- (a) has been a member of the Australian Imperial Force or of any other naval or military force raised in the Commonwealth by the Minister of Defence for service in the war in which His Majesty is at present engaged, and
- (b) has served outside the Commonwealth in connection with the said war, and
- (c) has returned to this State, and
- (d) has received his discharge from service, either before or after his return to this State,

but does not include any person whose discharge from service was due to incapacity resulting from his own default or misconduct.

Board to be satisfied as to certain matters before acting on request.

5. (1) The Board shall not act upon any request under this Act unless the person making it proves to the satisfaction of the Board—

- (a) that he is such a person as is described in section 4 of this Act;
- (b) that

Advances for Homes Act Further Amendment Act.—1916.

(b) that upon his entering into such an agreement as is required by section 7 of this Act he would be qualified to apply for an advance under the principal Act;

(d) that he is making such request on his own behalf and not as agent for some other person, nor unless he has made, and furnished the Board with, a statutory declaration that he will be unable, unless such request is granted by the Board, to obtain an advance under the principal Act.

(2) The decision of the Board upon any such request, or upon any other matter referred to in this section, shall be final.

6. (1) The Board may in the case of any request under this Act, upon being satisfied as to the matters mentioned in section 5 of this Act, purchase and become the owner in fee simple of the land referred to in such request: Provided that—

Board may purchase land as requested.

i. the Board considers that such land is suitable as a site for a dwelling house and that the purchase price is reasonable; and

ii. the purchase price of such land, together with the costs and expenses of and incidental to the transfer or conveyance of such land to the Board, will not exceed One Hundred Pounds.

(2) The price to be paid for the land so purchased shall be paid out of the Fund.

(3) Any land so purchased shall be deemed to be Crown lands within the meaning, and for the purposes of, the principal Act.

7. (1) The person at whose request any land is purchased under this Act shall enter into an agreement with the Board for the sale by the Board to him and the purchase by him from the Board of such land by instalments as hereinafter mentioned.

Person at whose request land purchased to enter into an agreement for purchase of same from Board.

(2) Such agreement shall be in such form and shall contain such terms and conditions (including the conditions subject to which the purchaser may assign or transfer or sublet or mortgage or otherwise part with or encumber his interest in such land) as are approved by the Board; and such agreement shall contain (*inter alia*) a covenant to purchase such land for a sum equal to the purchase price paid for the same by the Board, together with the costs and expenses of and incidental to the transfer or conveyance thereof to the Board, and all other costs and expenses incurred by the Board with respect to such land, within such period (not exceeding in any case ten years) as is therein specified, and to pay such sum together with interest at the fixed rate on the balance of such sum from time to time remaining due, by equal monthly instalments of principal and interest calculated in accordance with the fixed tables. The agreement shall also contain a condition permitting the purchaser

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Advances for Homes Act Further Amendment Act.—1916.

to pay to the Board, on any day appointed for payment of any of his instalments, any sum being either One Pound or a multiple of One Pound, in reduction of the amount due by him to the Board under his agreement, and providing that thereafter the instalments shall be proportionately smaller by a readjustment of the amounts of interest included therein.

(3) Upon payment of the total amount of such sum and interest as aforesaid, the Board shall execute a transfer or conveyance of such land to the purchaser; or, if the purchaser at the time of such payment is deceased, or if he has died after such payment, but before the transfer or conveyance has been executed, the Board shall execute a transfer or conveyance of such land to the person who appears to the Board to be entitled under any will of the deceased, or if the deceased has died intestate, to be entitled upon his intestacy to a transfer or conveyance of such land, and, if the Board thinks proper, may execute the same without probate of the will (if any) of the deceased or letters of administration of his estate having been granted; and such transfer or conveyance shall be made subject to any existing mortgage or encumbrance in favour of the Board, and the person to whom such land is transferred or conveyed shall pay to the Board all fees, costs, and other expenses incurred by the Board in perfecting his title to such land.

(4) Until payment of the total amount of such sum and interest as aforesaid the said agreement shall operate as an agreement for tenancy of such land for the term specified in such agreement, subject to the terms and conditions expressed therein; and the instalments as aforesaid payable thereunder shall, for the purpose of recovering the same, be deemed to be rent payable to the Board under an agreement for tenancy, and the Board shall have the same rights and remedies (including the right to re-enter and distrain) for the recovery of any instalment which is not paid on the day whereon the same falls due as if such instalment were rent in arrear.

(5) If any of the instalments payable under such agreement is unpaid and in arrear for more than two months after the day whereon the same is payable (the purchaser having had at least twenty-one days' previous notice in writing demanding its payment), the Board may re-enter and take possession of such land, and it shall be lawful for the Board, before or after re-entry, to cancel and determine the said agreement, without prejudice nevertheless to any right or remedy the Board may have against any person under such agreement prior to the determination thereof.

8. In order to encourage the early payment of instalments of principal and interest due under agreements under this Act, the following provisions shall apply with respect to each instalment payable under any such agreement:—

(a) If the purchaser (not being in arrears with any previous instalment or other payment under his agreement) pays the instalment not later than the seventh day after the

Rebate of interest when instalments paid punctually.

Cf. principal Act, s. 17 and 1096, 1912, s. 5.

Advances for Homes Act Further Amendment Act.—1916.

the due date thereof, he shall be entitled to such a rebate of so much thereof as consists of interest as will reduce the annual rate of interest by one-half per centum :

- (b) Such rebate may be deducted and retained by the purchaser from the full nominal amount of the instalment when making the payment.

9. (1) Upon any person entering into such an agreement as is required by section 7 of this Act, such person may apply to the Board under the principal Act for an advance under the said Act for the purpose of enabling him to erect on the land comprised in such agreement a dwelling house as a home for himself and his family.

Purchaser may apply for advance under principal Act.

(2) The Board may, subject to the provisions of the principal Act, make advances to any such person under the said Act, and the provisions of that Act and of the other Acts with which this Act is incorporated shall apply to and with respect to such advances: Provided that—

- I. the provision of subsection (2) of section 11 of the principal Act enacting that no advance shall be made to any person unless his income is derived, as to at least four-fifths thereof, from actual personal exertion, shall not apply to any such advance ;
- II. subsection (3) of section 11 of the principal Act shall be read as enacting, with respect to such advances, that advances may be made of an amount not exceeding the value of the dwelling house to be erected, and the holding upon which the same is to be erected, less the amount of the deposit paid by the applicant ; and
- III. subsection (6) of the said section 11 shall be read as enacting, with respect to such advances, that at no time shall the total advances to such person, including the whole of the original amount to be repaid by such person to the Board pursuant to his agreement under this Act, exceed Six Hundred Pounds.

10. Any person at whose request the Board has purchased any land, as provided by this Act, shall not be entitled to make to the Board any further request to purchase land under this Act.

No person to benefit under Act more than once.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.