

Homes Savings Grant

No. 50 of 1967

An Act to amend the *Homes Savings Grant Act 1964–1966*.

[Assented to 26 May 1967]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the 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 Act 1967*.

(2.) The *Homes Savings Grant Act 1964–1966** 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 1964–1967*.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) The amendments made by paragraphs (b), (c), (e), (g) and (h) of section 4, sections 8, 9 and 10, paragraph (c) of section 11, sections 12 and 13, paragraph (d) of section 14 and section 15 of this Act shall be deemed to have taken effect on the twenty-eighth day of May, One thousand nine hundred and sixty-four.

Title.

3. The title of the Principal Act is amended by inserting after the word "Persons" the words ", and Young Widowed Persons with Dependent Children,".

Interpretation.

4. Section 4 of the Principal Act is amended—

(a) by omitting from paragraph (d) of the definition of "approved interest" in sub-section (1.) the word "or";

(b) by adding at the end of the definition of "approved interest" in sub-section (1.) the following word and paragraph:—

"or (f) any other interest declared by the regulations to be an approved interest for the purposes of this Act;";

(c) by adding at the end of the definition of "Commonwealth-State Housing Agreement moneys" in sub-section (1.) the words "other than moneys that are required by the Act in pursuance of which they are provided to be used for the provision of finance for persons erecting or purchasing dwelling-houses for their own use";

* Act No. 51, 1964, as amended by No. 6, 1965; and No. 93, 1966.

- (d) by inserting after the definition of “ credit union ” in sub-section (1.) the following definition:—
- “ ‘ dependent child ’, in relation to a widower or widow, means a child who is in the custody, care and control of the widower or widow, being a child—
- (a) who is under the age of sixteen years; or
 - (b) who—
 - (i) has attained the age of sixteen years but is under the age of twenty-one years;
 - (ii) is receiving full-time education at a school, college or university; and
 - (iii) is wholly or substantially dependent on the widower or widow,
 but does not include a child whose custody, care and control were assumed by the widower or widow after the death of his or her spouse unless the child was born of the widower or widow and that spouse;”
- (e) by omitting from sub-paragraph (i) of paragraph (a), and from sub-paragraph (i) of paragraph (b), of the definition of “ the prescribed date ” in sub-section (1.) the words “ if the person has entered into a contract in writing ” and inserting in their stead the words “ if the contract was in writing ”;
- (f) by inserting after sub-section (1.) the following sub-section:—
- “ (1A.) For the purposes of the definition of ‘ dependent child ’ in the last preceding sub-section, a child shall be deemed to be in the custody, care and control of a widower or widow if the child is being maintained by the widower or widow and the Secretary is satisfied that the child will be in the custody, care and control of the widower or widow after the completion of the purchase or construction of the dwelling-house in respect of which the widower or widow has applied for a grant under this Act.”;
- (g) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—
- “ (2.) In this Act—
- (a) a reference, in relation to any time (in this paragraph referred to as ‘ the relevant time ’), to the spouse of an eligible person shall be read as a reference to the person who was the spouse of the eligible person at the prescribed date or became the spouse of the eligible person at a later date, whether or not he or she was the spouse of the eligible person at the relevant time; and
 - (b) a reference, in relation to any time (in this paragraph referred to as ‘ the relevant time ’), to a deceased spouse of an eligible person shall be read as a reference to any person who, at the time of his or her death, was the spouse of the eligible person, whether or not he or she was the spouse of the eligible person at the relevant time.

“(2A.) For the purposes of this Act—

- (a) moneys saved at any time by a deceased spouse of a person shall be deemed to have been saved at that time by the person;
- (b) moneys held (whether in the form of an investment or otherwise), or paid or expended, at any time by a person jointly with a deceased spouse of the person shall be deemed to have been held, or paid or expended, as the case may be, at that time by the person alone;
- (c) moneys held (whether in the form of an investment or otherwise) at any time by a deceased spouse of a person shall be deemed to have been held at that time by the person;
- (d) where moneys that were held (whether in the form of an investment or otherwise) by a deceased spouse of a person at the time of his or her death are, by reason of the last preceding paragraph, to be deemed to have been held at that time by the person, the Secretary may treat those moneys as having continued, in whole or in part, to be held by that person for such period after that time as the Secretary thinks reasonable and as having continued to be so held in the same form as the form in which the moneys were held by the deceased spouse of the person at that time; and
- (e) moneys paid or expended at any time by a deceased spouse of a person shall be deemed to have been paid or expended, as the case may be, at that time by the person.”; and
- (h) by inserting in paragraph (a) of sub-section (5.), after the word “Commonwealth” (last occurring), the words “or in the Territory of Nauru”.

Object.

5. Section 5 of the Principal Act is amended by inserting after the word “persons” the words “, and young widowed persons with dependent children,”.

Eligible
married
persons.

6. Section 14 of the Principal Act is amended—

(a) by omitting paragraph (d) and inserting in its stead the following paragraph:—

“(d) the Secretary is satisfied that, throughout the period of three years immediately preceding the prescribed date—

(i) where the prescribed date is a date not later than the thirtieth day of April, One thousand nine hundred and sixty-seven—acceptable savings were held by the person; or

(ii) in any other case—acceptable savings were held by the person or his or her spouse, or by the person jointly with his or her spouse;” and

(b) by adding at the end thereof the following sub-section:—

“(2.) For the purposes of sub-paragraph (ii) of paragraph (d) of the last preceding sub-section, any savings held by the spouse of a person (other than savings held jointly with the person) shall be disregarded if, apart from that paragraph, the spouse would not himself or herself be an eligible person.”.

7. After section 14 of the Principal Act the following sections are inserted:—

- “ 14A. A person is an eligible person for the purposes of this Act if— Eligible widowed persons.
- (a) the person is a widower or widow who has a dependent child or dependent children or had such a child or children at the prescribed date;
 - (b) the person had not, before the prescribed date, attained the age of thirty-six years;
 - (c) the person—
 - (i) was an Australian citizen throughout the period of three years immediately preceding the prescribed date; or
 - (ii) resided in Australia throughout that period;
 - (d) the Secretary is satisfied that the person held acceptable savings throughout the period of three years immediately preceding the prescribed date;
 - (e) a grant under this Act has not been made to the person, or to a deceased spouse or former spouse of the person during his or her marriage to the person;
 - (f) the person has, or the person and a child or children of the person or of a deceased spouse of the person have, on or after the twenty-eighth day of November, One thousand nine hundred and sixty-six, and while the person was a widower or widow—
 - (i) entered into a contract for the purchase of a dwelling-house situated in Australia, or for the construction by a building-contractor, on land situated in Australia that is, or that the Secretary is satisfied will be, owned by the person or by the person and the child or children, 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 that is, or that the Secretary is satisfied will be, owned by the person or by the person and the child or children, a dwelling-house that has since that date been completed or on which substantial building progress has been made;
 - (g) the person is not an undischarged bankrupt; and

- (h) the person is not serving a term of imprisonment for an offence against a law of the Commonwealth or of a State or Territory of the Commonwealth.

Modifications
of Act in
relation to
eligible
widowed
persons.

“ 14B.—(1.) This section applies to a person who is an eligible person by virtue of the last preceding section.

“ (2.) The Secretary may treat any land or dwelling-house that has been purchased, or is owned, by a person to whom this section applies jointly with a child or children of the person or of a deceased spouse of the person as having been purchased, or as being owned, as the case may be, by the person alone.

“ (3.) Section fifteen of this Act applies in relation to a person to whom this section applies as if the reference in that section to the year One thousand nine hundred and sixty-four were a reference to the year One thousand nine hundred and sixty-seven.

“ (4.) Sub-sections (1.) and (2.) of section sixteen of this Act apply in relation to a person to whom this section applies as if each reference in those sub-sections to the year One thousand nine hundred and sixty-four were a reference to the year One thousand nine hundred and sixty-seven.

“ (5.) Sub-section (3.) of section sixteen of this Act does not apply in relation to a person to whom this section applies but, for the purposes of this Act, the acceptable savings of such a person (being a person in relation to whom the prescribed date is a date later than the thirty-first day of December, One thousand nine hundred and sixty-seven) as at a time (in this sub-section referred to as ‘ the relevant time ’) after the thirty-first day of December, One thousand nine hundred and sixty-seven, are, subject to this Act, the moneys that were saved in Australia before the relevant time by the person and—

- (a) were maintained at the relevant time by the person on deposit (other than a deposit in an account that may be drawn on by cheque) with a branch in Australia of a savings bank or fixed deposit with a branch in Australia of a trading bank, being a deposit that was described in the books or records of the savings bank or the trading bank, as the case may be, as a Home Savings Account or was described in those books or records in any other way that indicated that the moneys were for use in connexion with the purchase or construction of a dwelling-house;
- (b) were maintained at the relevant time by the person on deposit with a building society; or
- (c) were paid before the relevant time by the person to a building society as subscriptions in respect of shares in the capital of the society and were not repaid before that time.

“ (6.) Section eighteen of this Act does not apply in relation to a person to whom this section applies.

“ (7.) Section twenty of this Act applies in relation to a person to whom this section applies as if—

- (a) each reference in paragraph (c) of sub-section (2.) of that section to the spouse of an eligible person were a reference to a deceased spouse of the person; and
- (b) the reference in sub-section (6.) of that section to the matrimonial home of the eligible person and his or her spouse were a reference to the family home of the person and his or her dependent child or dependent children.”.

8. Section 16 of the Principal Act is amended by adding at the end of sub-paragraph (i) of paragraph (b) of sub-section (3.) the words “ or was described in those books or records in any other way that indicated that the moneys were for use in connexion with the purchase or construction of a dwelling-house ”.

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

9. After section 17C of the Principal Act the following section is inserted:—

“ 17D. Where, during a period of not more than thirty days, a person ceased to hold acceptable savings, or the acceptable savings of a person were less than they would otherwise have been, by reason of the transfer of all or any of the savings of the person from one place to another place or from one form of savings into another form or for any other reason, the Secretary may, in his discretion, treat the person as having held throughout that period acceptable savings equal to whichever is the lesser of the following amounts, that is to say, the acceptable savings that the person held immediately before the commencement of that period or the acceptable savings that the person held immediately after the expiration of that period.”.

Power of Secretary to treat person as having continued to hold acceptable savings in certain circumstances.

10. Section 19 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Purchase or ownership of land or dwelling-house.

“ (4.) For the purposes of this section—

- (a) the purchase or ownership of an approved interest in land by a person (in this sub-section referred to as ‘the relevant person’) jointly with another person; or
- (b) the purchase or ownership of an undivided share in an approved interest in land by a person (in this sub-section also referred to as ‘the relevant person’),

being land in respect of which the relevant person is entitled to a right of occupancy, shall, if the Secretary in his discretion so determines, be treated as if it were the purchase or ownership, as the case may be, of that approved interest in the land by the relevant person.”.

Grants.

11. Section 20 of the Principal Act is amended—

(a) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“(b) unless the amount that the Secretary is satisfied is the value of the dwelling-house, or will be the value of the dwelling-house when it is erected, does not exceed—

(i) if the prescribed date in relation to the eligible person is a date that is not later than the twenty-seventh day of November, One thousand nine hundred and sixty-six—Fourteen thousand dollars;

or

(ii) in any other case—Fifteen thousand dollars;”;

(b) by omitting from sub-paragraph (ii) of paragraph (c) of sub-section (2.) the words “entered into” and inserting in their stead the words “been a party or parties to”; and

(c) by adding at the end thereof the following sub-section:—

“(6.) Paragraph (c) of sub-section (2.) of this section does not apply in relation to a dwelling-house if the Secretary is satisfied that it would be unreasonable to regard the dwelling-house as, or as suitable for the purpose of constituting, the matrimonial home of the eligible person and his or her spouse.”.

12. After section 20 of the Principal Act the following section is inserted:—

“20A.—(1.) Subject to the next succeeding sub-section, where the spouse of a person has died on or after the prescribed date, the Secretary may make a grant under this Act to the person of an amount not exceeding the total of the amounts of the grants that he could have made to the person and the spouse of the person if the spouse had not died.

“(2.) The last preceding sub-section does not apply unless the Secretary is satisfied that the dwelling-house in respect of which the grant is made is or will be owned by the person to whom the grant is made or by that person jointly with a child or children of the person or of his or her deceased spouse.

“(3.) Where a grant is made in accordance with this section to a person who is not an eligible person, sections twenty-three and twenty-four of this Act have effect as if the person were an eligible person.”.

Grant to person whose spouse has died after the prescribed date.

Applications for grants.

13. Section 21 of the Principal Act is amended—

(a) by adding at the end of paragraph (a) of sub-section (1.) the word “and”;

(b) by omitting paragraphs (b) and (c) of sub-section (1.) and inserting in their stead the following paragraph:—

“(b) shall be furnished to the Regional Director for the State or Territory in which the dwelling-house is, or is to be,

situated before the expiration of twelve months after the prescribed date or before such later time as the Secretary in special circumstances allows.”; and

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

“(1A.) Where, in pursuance of sub-section (1A.) of section twenty of this Act, the time before which a person is required to become an eligible person (in this sub-section referred to as ‘ the extended time ’) is a time later than one year after the prescribed date, an application by that person for a grant under this Act may be furnished to the appropriate Regional Director at any time before the extended time.

“(1B.) An applicant for a grant under this Act shall furnish to the Regional Director to whom the application for the grant is furnished such declarations and other documents as the Secretary requires.

“(1C.) An application for a grant under this Act may be made by a person to whom section twenty A of this Act applies notwithstanding that the person is not an eligible person.”.

14. Section 22 of the Principal Act is amended—

Amount of
grant.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) Subject to sub-section (2.) of this section, the amount of a grant under this Act to an eligible person in relation to whom the prescribed date is a date not later than the thirty-first day of December, One thousand nine hundred and sixty-four, shall not exceed an amount equal to one-third of the amount remaining after deducting from the total of—

- (a) any acceptable savings of the person as at a date three years before the prescribed date; and
- (b) the sum of any increases in acceptable savings of the person in savings years of that person,

the sum of any decreases in acceptable savings of the person in those savings years.

“(1A.) Subject to sub-section (2.) of this section, the amount of a grant under this Act to an eligible person in relation to whom the prescribed date is a date later than the thirty-first day of December, One thousand nine hundred and sixty-four, but not later than the thirtieth day of April, One thousand nine hundred and sixty-seven, shall not exceed an amount equal to one-third of the amount remaining after deducting from the total of—

- (a) any acceptable savings of the person as at a date three years before the prescribed date; and
- (b) the sum of any adjusted increases in acceptable savings of the person in savings years of that person,

the sum of any adjusted decreases in acceptable savings of the person in those savings years.

“(1B.) Subject to the next two succeeding sub-sections, the amounts of the grants under this Act to an eligible person and his or her spouse, being persons in relation to whom the prescribed date is a date later than the thirtieth day of April, One thousand nine hundred and sixty-seven, shall not exceed, in the aggregate, an amount equal to one-third of the amount remaining after deducting from the total of—

- (a) any acceptable savings of those persons as at a date three years before the prescribed date; and
 - (b) the sum of any adjusted increases in acceptable savings of those persons in savings years of those persons, the sum of any adjusted decreases in acceptable savings of those persons in those savings years.”;
- (b) by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

“(2A.) Where, apart from this sub-section, the amounts of any grants under this Act to an eligible person and his or her spouse, being persons in relation to whom sub-section (1B.) of this section applies, would, in the aggregate, be less than Ten dollars, a grant shall not be made under this Act to either of those persons.

“(3.) For the purposes of this section, a savings year, in relation to an eligible person or in relation to an eligible person and his or her spouse, is any of the three years immediately preceding the prescribed date.”;

- (c) by omitting sub-sections (8.) and (9.) and inserting in their stead the following sub-sections:—

“(8.) For the purposes of the application of this section in relation to a savings year that commenced or commences on or after the first day of May, One thousand nine hundred and sixty-six, sub-sections (4.), (5.), (6.) and (7.) of this section have effect as if the references in those sub-sections to an eligible person were references to the eligible person and his or her spouse.

“(9.) For the purposes of this section—

- (a) excess savings of an eligible person shall not be taken to have occurred in a savings year that commenced before the first day of January, One thousand nine hundred and sixty-five;
- (b) in the case of a savings year that commenced on or after the first day of January, One thousand nine hundred and sixty-five, but before the first day of May, One thousand nine hundred and sixty-six—excess savings of an eligible person shall be taken to have occurred in that savings year if there was an increase in acceptable savings of the person in that savings year exceeding Five hundred dollars, and the amount of the excess savings is the amount by which that increase exceeded Five hundred dollars; and

- (c) in the case of a savings year that commenced or commences on or after the first day of May, One thousand nine hundred and sixty-six—excess savings of an eligible person and his or her spouse shall be taken to have occurred if there was an increase in acceptable savings of the person and his or her spouse in that savings year exceeding Six hundred dollars, and the amount of the excess savings is the amount by which that increase exceeded or exceeds Six hundred dollars.”; and
- (d) by adding at the end thereof the following sub-section:—

“(11.) Where an application for a grant under this Act has been made, or any documents furnished by an applicant for such a grant have been prepared, on the basis that the prescribed date of an eligible person is a date (in this sub-section referred to as ‘the assumed date’) that is earlier or later, but not more than fourteen days earlier or later, than the date that is the prescribed date of that person, the Secretary may, in his discretion, direct that this section shall apply in relation to the eligible person as if the references in paragraph (a) of sub-section (1), paragraph (a) of sub-section (1A.), paragraph (a) of sub-section (1B.) and sub-section (3.) of this section to the prescribed date were references to the assumed date.”.

15. Section 28 of the Principal Act is amended by omitting the words “an eligible person” and inserting in their stead the words “a person”.

Recovery of
overpayments.
