

- (b) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such regulation ; or
- (c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the regulation had not expired.

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## WAR SERVICE HOMES.

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No. 28 of 1919.

An Act to amend the *War Service Homes Act 1918*.

[ Assented to 28th October, 1919.]

**B**E it enacted by the King'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 *War Service Homes Act 1919*.

(2.) The *War Service Homes Act 1918* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *War Service Homes Act 1918-1919*.

Definitions.

2. Section four of the Principal Act is amended—

(a) by adding at the end of the definition of "Borrower" the words "or who has executed a mortgage or other security to the Commissioner";

(b) by omitting the definition of "Dwelling-house" and inserting in its stead the following definition:—

" 'Dwelling-house' includes a house, or a building used or to be used, by a person who is included in paragraph (b) or (d) of the definition of 'Australian Soldier', as a hospital, sanatorium, or nursing home, and the appurtenances, necessary out-buildings, fences, and permanent provision for lighting, water supply, drainage, and sewerage of the house or building, but does not include any land ;"

- (c) by inserting in the definition of "Eligible person", after the words "Australian soldier" (wherever occurring), the words ", munition worker or war worker";
- (d) by inserting in the definition of "Female dependant", after the words "Australian soldier" (wherever occurring), the words ", munition worker or war worker";
- (e) by inserting in paragraph (a) of the definition of "Female dependant" after the word "soldier" the words "or the date of the agreement between the worker and the Commonwealth or the Minister of State for Defence, as the case may be,";
- (f) by inserting after the definition of "Holding" the following definition:—

" 'Munition worker' means a person who, during the continuance of the war which commenced in the year One thousand nine hundred and fourteen—

(a) entered into an agreement with the Commonwealth or the Minister of State for Defence to proceed to Great Britain for the purpose of—

(i) engaging in the work of producing munitions for the Imperial Government or otherwise, or

(ii) serving under the Imperial Government in the Ministry of Munitions; and

(b) engaged in the work of producing munitions for the Imperial Government or otherwise or served under the Imperial Government in the Ministry of Munitions, and whose agreement with the Commonwealth or the Minister of State for Defence was not determined by reason of his failure to observe and perform any term or condition contained in the agreement, or by reason of his dismissal from any work in Great Britain during the continuance of the agreement because of any conduct of the worker which, in the opinion of the Minister, was such as to justify the determination of the agreement;"; and

- (g) by inserting at the end thereof the following definition:—

" 'War worker' means a person who, during the continuance of the war which commenced in the year One thousand nine hundred and fourteen, entered into an agreement with the Commonwealth to proceed to Great Britain for the purpose of engaging in work as a labourer, fettler or navy for the Imperial Government or otherwise and engaged

in such work, and whose agreement with the Commonwealth or the Minister of State for Defence was not determined by reason of his failure to observe and perform any term or condition contained in the agreement, or by reason of his dismissal from any work in Great Britain during the continuance of the agreement because of any conduct of the worker which, in the opinion of the Minister, was such as to justify the determination of the agreement."

Acquisition of land.

3. Section sixteen of the Principal Act is amended by inserting in sub-section (3.), after the word "acquired", the words "by compulsory process".

Total cost of land and dwelling-house.

4. Section eighteen of the Principal Act is amended by adding at the end thereof the following proviso :—

"Provided that where a dwelling-house is sold to two or more persons jointly under sub-section (1A.) of the next succeeding section the total cost to the Commissioner may exceed Seven hundred pounds but shall not exceed the sum of the amounts which the Commissioner could have expended if a house had been sold to each person separately."

Sale of dwelling-houses.

5. Section nineteen of the Principal Act is amended—

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

"(1A.) Notwithstanding anything contained in the last preceding sub-section, where a person is included in paragraph (b) or (d), of the definition of 'Australian Soldier' in section four of this Act, and is not the owner of a dwelling house within Australia or elsewhere, the Commissioner may sell to her either alone, or jointly with other persons similarly eligible under this sub-section, a dwelling house acquired or erected in pursuance of the last preceding part, together with the land on which it is erected :

Provided that, in this sub-section, the word 'dwelling-house' means a building to be used by the purchaser as a hospital, sanatorium or home."

(b) by omitting sub-section (5.) ;

(c) by omitting sub-section (6.) and inserting in its stead the following sub-section :—

"(6.) At any time after the purchaser has paid in reduction of the purchase money a sum amounting to not less than one-fifth of the purchase money, and has paid to the Commissioner the amount due by him up to that time under the contract of sale or this Act, and has complied to the satisfaction of the Commissioner with the conditions contained in the contract of sale relating to the land and provided by this Act and the regulations thereunder, he may, if he so desires, upon giving to the

Commissioner the prescribed notice in writing of his intention so to do, execute in favour of the Commissioner a mortgage in the prescribed form for the balance of the purchase money and interest and all other moneys payable under the contract of sale, and thereupon he shall be entitled to obtain from the Commissioner a transfer of the land." ; and

(d) by inserting in sub-section (9.), after the word "purchase" (first occurring), the words "and subdivision".

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

Advances to acquire land, &c.

"(2.) Notwithstanding anything contained in the last preceding sub-section the Commissioner may, upon application in writing, make an advance to a person who is included in paragraph (b) or (d) of the definition of 'Australian Soldier' in section four of this Act, on the prescribed security, for the purposes specified in the last preceding sub-section:

Provided that for the purposes of this sub-section any reference in the last preceding sub-section to a dwelling-house shall be deemed to be a reference to a building used or to be used as a hospital, sanatorium or nursing home."

7. Section twenty-one of the Principal Act is amended by adding at the end of sub-section (1.) the following proviso:—

Maximum advance.

"Provided that where an advance is made under sub-section (2.) of the last preceding section to two or more persons jointly the amount of the advance may exceed Seven hundred pounds but shall not exceed the sum of the amounts which could have been advanced if the advances had been made separately."

8. Section twenty-nine of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word "advance" (first occurring), the words "together with interest thereon";

Purchase money or advance how payable or repayable.

(b) by omitting from that sub-section the words "weekly, fortnightly or monthly"; and

(c) by omitting from paragraph (b) of that sub-section the word "twenty" and inserting in its stead the word "twenty-five".

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

"30A.—(1.) The purchaser or borrower may occupy the dwelling house and land included in the contract of sale, mortgage or other security, and, in that event, he shall be deemed to be a tenant of the Commissioner upon and subject to the prescribed terms and conditions and the terms and conditions contained in the contract of sale, mortgage or other security.

Purchaser or borrower may occupy dwelling house as tenant of Commissioner.

“(2.) Should the purchaser or borrower fail to comply with such terms and conditions, the Commissioner may exercise—

- (a) the powers conferred upon the Commissioner by this Act or the regulations, or the contract of sale, mortgage or other security; and
- (b) any powers, not inconsistent with this Act, which are exercisable, under the laws in force in the place in which the dwelling house is situated, by a landlord when a tenant has failed to comply with the terms and conditions of his tenancy.”.

Property to be kept in repair until payment in full.

10. Section thirty-one of the Principal Act is amended—

- (a) by inserting in paragraph (a) of sub-section (2.), after the word “demand”, the words “or by such instalments and at such times as are prescribed or the Commissioner determines”; and
- (b) by omitting from paragraph (a) of sub-section (2.) the words “amount of the purchase money or advance” and inserting in their stead the words “cost to the Commissioner”.

Conditions operative so long as money owing to Commissioner.

11. Section thirty-two of the Principal Act is amended—

- (a) by inserting in sub-section (1.) after the word “mortgaged”, the words “, and possession thereof shall not be parted with,”; and
- (b) by inserting in sub-section (2.), after the word “mortgages”, the words “or parts with the possession of”.

12. Section thirty-three of the Principal Act is repealed and the following section inserted in its stead :—

“33. The estate or interest of any purchaser or borrower in any land or land and dwelling-house included in a contract of sale, mortgage or other security under this Act shall not be divested from the purchaser or borrower under any law relating to bankruptcy or insolvency, but if the purchaser or borrower becomes bankrupt or insolvent, or if the land or land and dwelling-house is seized in execution, the Commissioner may—

- (a) in the case of a purchaser, cancel the contract of sale, and, in his discretion, forfeit the instalments previously paid by the purchaser; and
- (b) in the case of a borrower, sell the estate and interest of the borrower in the land, or land and dwelling-house.”.

Power of Commissioner where purchaser or borrower insolvent.

13. Section thirty-five of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “transfer”, the words “(other than a transfer by the Commissioner)”;
- (b) by omitting paragraph (a) of sub-section (1.);
- (c) by omitting from paragraph (b) of sub-section (1.) the words “to a devisee”;

Land, &c., not to be transferred &c., while subject to mortgage, &c.

- (d) by omitting from paragraph (b) of sub-section (1.) the word "as" and inserting in its stead the word "or"; and
- (e) by inserting in paragraph (b) of sub-section (2.), after the word "advance" (wherever occurring), the words "or the date of the contract of sale".

14. Section thirty-eight of the Principal Act is repealed and the following section inserted in its stead :—

"38.—(1.) Every dwelling-house and all building material on the site of and for use in the erection of a dwelling-house shall be insured as prescribed against fire and prescribed risks. Insurance of dwelling-houses, &c.

"(2.) The Governor-General may make regulations prescribing all matters which are necessary or convenient to be prescribed to provide for insurance in pursuance of this Act and in particular providing for—

- (a) the manner in which insurances may be effected ;
- (b) the risks to be insured against ;
- (c) the amounts for which insurances shall be effected ;
- (d) the amount of premiums payable for insurances ;
- (e) the times when and the manner in which premiums shall be payable ; and
- (f) the conditions governing insurances."

15. Section forty-one of the Principal Act is repealed and the following section inserted in its stead :—

"41. When any property insured in pursuance of this Act is destroyed or damaged by a prescribed risk, the Commissioner may draw from the War Service Homes Insurance Trust Account the amount necessary to make good the damage to or loss of the property insured, but not exceeding the amount for which the property is insured, and— Adjustment on destruction of or damage to property.

- (a) may make good the damage or loss ; or
- (b) may pay to the person insured the amount so drawn on proof to the satisfaction of the Commissioner that the person insured has made good the damage or loss ; or
- (c) when a dwelling-house is destroyed or damaged, if he is of opinion that it is undesirable to rebuild the dwelling house—may deduct from the amount so drawn the amount due to him, and pay the balance to the person entitled to receive it."

16. Section forty-seven of the Principal Act is amended by inserting, after the word "incapacitated", the words "or any blinded". Dwelling-houses for incapacitated or blinded soldiers.

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

"50A.—(1.) No person shall, without the authority of the Commissioner, proof whereof shall lie upon the person accused, assume or use in connexion with his trade, business, calling or Improper use of words "War Service Homes."

profession any words which would reasonably lead to the belief that his trade, business, calling or profession is being carried on under or for the purposes of this Act, or by or under the authority or control of the Commissioner.

Penalty: Twenty pounds.

“(2.) Without limiting the preceding sub-section, any person who—

- (a) places, or suffers or permits to be placed, on the building in which he carries on his trade, business, calling or profession; or
- (b) uses in any advertisement or sign published or displayed in connexion with his trade, business, calling or profession; or
- (c) uses on any document, as a description of his trade, business, calling or profession; or
- (d) uses as the name or part of the name of any firm or company registered in Australia,

the words ‘ War Service Homes ’ or any words so nearly resembling them as to be likely to deceive, whether alone or in conjunction with any other words, shall be deemed to be guilty of an offence against that sub-section.”.

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## COMMONWEALTH ELECTORAL (WAR-TIME).

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**No. 29 of 1919.**

An Act relating to the method of voting by Members of the Forces at Elections and Referendums, and for other purposes.

[Assented to 28th October, 1919.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Electoral (War-time) Act 1919*.

(2.) The *Commonwealth Electoral (War-time) Act 1917* is in this Act referred to as the Principal Act.