



ANNO DUODECIMO

GEORGI V REGIS.

A.D. 1921.

No. 1467.

An Act to further amend the Advances for Homes Acts, 1910 to 1920, and for other purposes.

[Assented to, November 16th, 1921.]

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, 1921." Short titles.

(2) The Advances for Homes Acts, 1910 to 1920, and this Act may be cited together as the "Advances for Homes Acts, 1910 to 1921."

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.

3. In this Act, and in the Acts with which this Act is incorporated— Interpretation.
"Australian soldier" means a person who, during the continuance of the war which commenced in the year nineteen hundred and fourteen— Cf. Comm., 43, 1918, 4; 28, 1919, s. 2; 35, 1920, s. 2. Cf. S.A., 1316, 1917, s. 3.

(a) was a member of the Naval or Military Forces of Australia enlisted or appointed for or employed on active service outside Australia or on a ship of war; or

(b) was

Advances for Homes Act Further Amendment Act.—1921.

- (b) was a member of the Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia; or
- (c) served in the Naval or Military Forces of any part of the King's Dominions, other than the Commonwealth, and who proves to the satisfaction of the Board that he had, before his enlistment or appointment for service, resided in Australia; or
- (d) was a member of the Army Medical Corps Nursing Service of any part of the King's Dominions, other than the Commonwealth, and who proves to the satisfaction of the Board that she had, before her appointment to that service, resided in Australia:

“Munition worker” means a person who, during the continuance of the war which commenced in the year nineteen 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 said Minister, was such as to justify the determination of the agreement:

“War worker” means a person who, during the continuance of the war which commenced in the year nineteen hundred and fourteen, entered into an agreement with the Commonwealth to proceed to Great Britain for the purpose of engaging in work as a laborer, 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

Advances for Homes Act Further Amendment Act.—1921.

because of any conduct of the worker which, in the opinion of the said Minister, was such as to justify the determination of the agreement.

“Female dependant” means—

Cf. ibid., s. 3.

(a) the widow of a person specified in paragraphs (a), (b), (c), (d), or (e) of subdivision 1. of the subsection (5) enacted by section 5 of this Act; and

(b) the mother of any deceased unmarried person so specified; provided that—

i. she is a widow and was, prior to the appointment, enlistment, acceptance, or employment, as the case may be, of the person so specified, dependent upon him; or

ii. her husband is so incapacitated as to be unable to contribute materially to her support;

(c) any person who proves, to the satisfaction of the Board, that she has acted as the foster-mother of any Australian soldier who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the war which commenced in the year nineteen hundred and fourteen; and that she so acted prior to such Australian soldier enlisting or being appointed for or employed on active service in the said war; and that she has not received and will not receive any payment or other consideration from any person in respect of her having so acted as such foster-mother.

Cf. S.A., 1408, 1919, s. 4.

4. (1) Section 8 of the Advances for Homes Act, 1910, is amended by substituting for the words “Six Hundred Thousand Pounds” in subsection (2) thereof the words “One Million Two Hundred Thousand Pounds.”

Amendment of Act No. 1018, 1910, s. 8.

Advances for Homes Fund.

(2) The amendment made by this section shall apply only in respect of the financial year ending on the thirtieth day of June, nineteen hundred and twenty-two.

5. Subsection (5) of section 4 of the Advances for Homes Act Further Amendment Act, 1916, is repealed, and the following subsection is substituted in lieu thereof:—

Repeal of 1246, 1916, s. 4 (5).

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

Persons eligible for advances.

i. such person—

Cf. Comm. 35, 1920, s. 2 (e).

(a) is an Australian soldier;

(b) is a munition worker;

(c) is a war worker;

(d) is

Advances for Homes Act Further Amendment Act.—1921.

(d) is a member of the Young Men's Christian Association who was accepted for service with and served abroad with the Naval or Military Forces of Australia as a representative of that Association; or

(e) has been awarded, in respect of his employment during the war which commenced in the year nineteen hundred and fourteen, the Australian Mercantile Marine War Zone Badge, or the British Mercantile Marine Medal; and was during such employment domiciled in Australia;

and satisfies the Board that he is married, or is about to marry, or has dependents for whom it is necessary for him to maintain a home or, in the case of an Australian soldier, that he is permanently incapacitated and is dependent upon relatives by blood or marriage for support; or

Cf. S.A. 1341,
1918, s. 4.

S.A. 1316, 1917,
s. 3, II. (b).

II. such person is one of the parents of an Australian soldier who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the war which commenced in the year nineteen hundred and fourteen; or

III. such person is the female dependant of any person specified in paragraphs (a), (b), (c), (d), or (e) of subdivision I. of this subsection; or

Cf. Comm., 35, 1920,
s. 8.

IV. such person is the wife of any person temporarily or permanently insane specified in paragraphs (a), (b), (c), (d), or (e) of subdivision I. of this subsection.

Repeal of 1246,
1916, s. 9.

6. Section 9 of the Advances for Homes Act Further Amendment Act, 1916, is repealed, and the following section is enacted and substituted in lieu thereof:—

Provision for
advances for homes
for returned soldiers
and dependants of
deceased soldiers.

Cf. 1316, 1917,
s. 5 (part).

9. (1) Subject to the provisions of the principal Act (except where the same are inconsistent with the provisions of this section)—

I. any person entering into such an agreement as is required by section 7 of this Act may apply to the Board for an advance 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:

II. any such person as is referred to in subsection (5) of section 4 of this Act who has not purchased or entered into an agreement to purchase land as provided by section 7 of this Act may apply to the Board for an advance for the purpose of enabling him—

(a) to erect a dwelling-house on his holding as a home for himself and his family, or, after erection or partial erection of a dwelling-house on his holding, to enlarge or complete the same;

(b) to

Advances for Homes Act Further Amendment Act.—1921.

(b) to purchase a house and land enclosed or occupied therewith as a home for himself and his family ;
or

(c) to discharge any mortgage already existing on his holding,

and subject as aforesaid, the Board may make advances to any such person for any of such purposes.

(2) Advances may be made for the purpose mentioned in paragraph i. of subsection (1) hereof of an amount not exceeding the value of the dwelling-house to be erected: Provided that the Board shall not execute a conveyance or transfer of any land with respect to which an advance has been made for such purpose during the period of ten years next after the date of the agreement entered into under section 7 of this Act with respect to such land, unless the full amount payable by the purchaser under the said agreement and the total advances made for the erection of a dwelling-house on such land have been repaid to the Board, together with the interest payable thereon, before the expiration of such period.

(3) Advances may be made for any purpose mentioned in subdivision (a) of paragraph ii. of subsection (1) hereof of an amount not exceeding the value of the dwelling-house to be erected, enlarged, or completed, and the holding upon which the same is to be erected or stands.

(4) Advances may be made for the purpose mentioned in subdivision (b) of paragraph ii. of subsection (1) hereof of an amount not exceeding the fair estimated value of the house and land to be purchased: Provided that such house and land when purchased shall be vested in the Board, and the Board shall not execute a conveyance or transfer of such house and land during the period of ten years next after the date of the purchase of such house and land, unless the total advances in respect of such house and land have been repaid to the Board, together with the interest payable thereon, before the expiration of such period.

(5) Advances may be made for the purpose mentioned in subdivision (c) of paragraph ii. of subsection (1) hereof of an amount not exceeding the fair estimated value of the applicant's estate or interest in the holding and the permanent improvements thereon: Provided that the total advances to any person shall not exceed the amount required to discharge the mortgage existing on the applicant's holding.

(6) Notwithstanding anything in this section, at no time shall the total advances to any one person, including the whole of the original amount to be repaid by such person to the Board pursuant to his agreement under section 7 of this Act, exceed Seven Hundred Pounds.

(7) Any

Advances for Homes Act Further Amendment Act.—1921.

(7) Any advance for the erection of a dwelling-house may be made by instalments as the work progresses.

(8) Every advance shall be for the term of fifty years, and shall bear interest at the rate of Five Pounds per centum per annum, and shall be repayable by equal monthly instalments of principal and interest of Nine Shillings and One Penny per centum, being such instalments as are sufficient to repay the same in such term at such rate of interest. Section 17 of the Advances for Homes Act, 1910, shall not apply in respect of such instalments: Provided that in cases where any house with respect to which an advance is applied for is, or is to be, built of ordinary wood and iron, or of wood, or where, in the opinion of the Board, the proper protection of the security of the Board as mortgagee requires a shorter term, the term shall be such as is fixed by the Board, and the amount of the equal monthly instalments shall be such as is sufficient to repay the advance in such term at the rate of interest aforesaid.

(9) Any person to whom an advance has been made by the Board under the provisions of this Act shall not be entitled to make to the Board any further application for an advance under this Act.

Amendment of 1316,
1917, s. 6—
Consequential amend-
ments.

7. Section 6 of the Advances for Homes Act Further Amendment Act, 1917, is amended—

- (a) by substituting in subsection (1) thereof for the passage “any such person as is referred to in subdivision (a) of the definition of ‘returned soldier’ contained in section 4 of the amending Act of 1916 (as amended by this Act)” the words “any Australian soldier,” and
- (b) by substituting in subsection (4) thereof for the passage “such a person as is referred to in subdivision (c) of subsection (5) of section 4 of the amending Act of 1916,” the passage “such a person as is referred to in subdivision (c) of the definition of ‘female dependant’ contained in section 3 of the Advances for Homes Act Further Amendment Act, 1921.”

Repeal of 1341, 1918,
s. 10—
Consequential amend-
ment.

8. Section 10 of the Advances for Homes Act Further Amendment Act, 1918, is repealed.

Exemption of
soldiers' homes from
rates—
1316, 1917, s. 5 (part),
as amended by 1341,
1918, s. 6.

9. (1) Any land with respect to which an advance has been made under the Advances for Homes Act Further Amendment Act, 1916, to any of the persons mentioned in subsection (3) hereof, shall, for the period of five years next after the date of the making of such advance or until the payment of all moneys due to the Board in respect of such advance (whichever is the shorter period), be exempt from State land tax and from water and sewer rates, and from all other rates, taxes, and impositions whatsoever, except municipal and district council rates.

(2) All

Advances for Homes Act Further Amendment Act.—1921.

(2) All municipal or district council rates payable in respect of any such land for such period as aforesaid shall be paid by the Treasurer on behalf of the owner or occupier for the time being of such land out of moneys provided by Parliament for the purposes of this Act and the Acts with which this Act is incorporated. No fine, poundage, or other penalty shall be payable in respect of any municipal or district council rates payable by the Treasurer by reason of this subsection. 1341, 1918, s. 7.
1408, 1919, s. 7
(part).

(3) The provisions of this section shall apply only where the advance is made to one of the following persons, and only whilst such person continues to be the owner or occupier of the land with respect to which the advance was made:—

i. An Australian soldier—

- (a) who has served outside Australia in the war which commenced in the year nineteen hundred and fourteen:
- (b) wherever he may have served, whose discharge from service was due to physical or mental disability incurred in such service:
- (c) wherever he may have served, who, in the opinion of the Board, has suffered serious pecuniary loss by reason of the fact that he was or became an Australian soldier,

and whose discharge from service was not due to incapacity resulting from, or did not in any way arise out of, his own default or misconduct:

- ii. One of the parents of an Australian soldier who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted, whilst on service in the war which commenced in the year nineteen hundred and fourteen:
- iii. Any person who proves, to the satisfaction of the Board, that she has acted as the foster-mother of any Australian soldier who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the war which commenced in the year nineteen hundred and fourteen; and that she so acted prior to such Australian soldier enlisting or being appointed for or employed on active service in the said war; and that she has not received and will not receive any payment or other consideration from any person in respect of her having so acted as such foster-mother:

Provided always that such Australian soldier, parent, or person was not, at the time of his application for the advance, in receipt of an income exceeding Four Hundred and Fifty Pounds per annum.

(4) The

Advances for Homes Act Further Amendment Act.—1921.

(4) The provisions of this section shall not apply in respect of any land or building with respect to which an advance is made under section 11 of this Act.

Presumption as to death on active service.

10. For the purposes of this Act and of the Acts with which this Act is incorporated, a person shall be presumed to have died whilst on service in the war which commenced in the year nineteen hundred and fourteen if he has been reported to have so died, or if he has been reported "missing" or "missing; believed dead," and no further report with respect to him has been received since such report was received.

Advances to nurses for hospitals, &c.
Cf. Comm., 35, 1920, s. 6.

11. (1) Any person who, during the continuance of the war which commenced in the year nineteen hundred and fourteen—

- (a) was a member of the Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia; or
- (b) was a member of the Army Medical Corps Nursing Service of any part of the King's Dominions, other than the Commonwealth, and proves to the satisfaction of the Board that she had, before her appointment to that service, resided in Australia,

may apply to the Board for an advance for the purpose of enabling such person to erect a building to be used as a hospital, sanatorium, or nursing home, or to purchase such a building, together with the land on which it is erected.

(2) Subject to the provisions of this Act and of the Acts with which this Act is incorporated, the Board may make advances to any such person for any of the purposes aforesaid as if the building was to be used by the applicant as a home for herself and her family, and all the provisions of this Act and of the Acts with which this Act is incorporated shall apply to and in respect of such advance accordingly.

(3) Any advance under this section may be made to two or more persons jointly, and in such a case the total advances to such persons may exceed Seven Hundred Pounds, but shall at no time exceed the sum of the amounts which could have been advanced if the advances had been made to each of such persons separately.

Act retrospective to 15th February, 1921.

12. This Act shall have the same effect as if it had been passed, and had come into force, on the fifteenth day of February, nineteen hundred and twenty-one.

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

G. J. R. MURRAY, Deputy Governor.