



ANNO OCTAVO

GEORGI VI REGIS.

A.D. 1944.

No. 22 of 1944.

An Act to amend the Advances to Settlers Act, 1930, so as to provide for the making of advances for the purpose of the erection, enlargement or alteration of dwelling-houses on land used for primary production.

[Assented to 14th December, 1944.]

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

Short titles.

1. (1) This Act may be cited as the "Advances to Settlers Act Amendment Act, 1944".

(2) The Advances to Settlers Act, 1930, as amended by this Act, may be cited as the "Advances to Settlers Act, 1930-1944".

(3) The Advances to Settlers Act, 1930, is hereinafter referred to as "the principal Act".

Enactment of s. 12a of principal Act—

Special provision for the making of advances for the erection of dwelling-houses.

2. The following section is enacted and inserted in the principal Act after section 12 thereof :—

12a. (1) In this section "primary producer" means any person who—

(a) is the proprietor of any estate in fee simple in any land ; or

(b) is the lessee under any lease of Crown lands, whether the original lessee or a successor in title of the original lessee ; or

(c) is the purchaser under an agreement containing a covenant to purchase Crown lands whether the original purchaser or a successor in title of the original purchaser,

and who is engaged in agricultural, horticultural, viticultural or pastoral pursuits on that land.

Any reference in this section to the "holding" of a primary producer shall be deemed to be a reference to the land of the primary producer on which he is engaged in agricultural, horticultural, viticultural or pastoral pursuits.

(2) The bank may make an advance of any amount not exceeding one thousand pounds to any primary producer for the purpose of erecting, enlarging or altering a dwelling-house on the holding of that primary producer.

(3) The power to make an advance under this section shall be in addition to any other power to make advances under this Act.

(4) Every advance under this section shall be made subject to the following provisions :—

I. The dwelling-house erected, enlarged or altered by means of the advance shall be used for the purpose of residence by the primary producer or by a member of the family or an employee of the primary producer who is employed upon the holding of the primary producer or by a person who, pursuant to an agreement for the share farming or the letting of the holding of the primary producer or any part thereof, is engaged in agricultural, horticultural, viticultural or pastoral pursuits on the holding or part thereof :

II. No advance shall be made except upon the security of a mortgage of the estate and interest of the primary producer in his holding. If the holding is encumbered by a previous mortgage or charge in favour of the Crown or any instrumentality of the Crown, the bank may make the advance upon the security of a mortgage subject to such previous mortgage or charge. If the holding is encumbered by a previous mortgage or charge other than a mortgage or charge in favour of the Crown or any instrumentality of the Crown, the advance may be made upon the security of a subsequent mortgage of such estate or interest subject to such previous mortgage or charge but no such advance shall be made unless the Land Board is satisfied that the primary production derived from the holding is sufficient to justify the erection, enlarging or alteration of the

dwelling-house and that the fair estimated value of the holding is such that the advance should be made in accordance with this section and the Land Board recommends the making of the advance :

III. An advance made under this section shall not be made to an amount so that the total amounts secured by mortgage (whether made pursuant to this or any other Act or otherwise) of the holding of the primary producer exceeds nine-tenths of the fair estimated value of the holding of the primary producer and any improvements already made on his holding together with the fair estimated value of the improvement to be made by the erection, enlargement, or alteration of the dwelling-house for which the advance is made.

(5) Except where inconsistent with the provisions of this section, the provisions of this Act shall apply with respect to every advance under this section.

(6) Advances under this section shall be made out of moneys from time to time provided by Parliament for the purpose.

Amendment of
principal Act,
s. 5—
Advances to
Settlers Fund.

3. Section 5 of the principal Act is amended by striking out the words "not exceeding two hundred thousand pounds in any one financial year" in subsection (2) thereof.

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

J. M. NAPIER, Lieutenant-Governor.