

## WORKERS' HOMES.

5° and 6° GEO. VI., No. XLIV.

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No. 44 of 1941.

**AN ACT** to amend the **Workers' Homes Act, 1911-1938.**

[Assented to 15th January, 1942.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Workers' Homes Act Amendment Act, 1941*, and shall be read as one with the

Short title.  
of. No. 43 of  
1938, s. 6.

Workers' Homes Act, 1911-1938 (No. 8 of 1912 as amended by the Acts No. 75 of 1912, No. 16 of 1914, No. 1 of 1922, No. 34 of 1925, No. 35 of 1928, No. 2 of 1929, No. 21 of 1935 and No. 43 of 1938), hereinafter referred to as the principal Act.

Amendment  
of s. 3.

2. Section three of the principal Act is amended by deleting the definition of "worker" and inserting in lieu thereof a new definition as follows:—

"Worker" means any person, male or female, who—

- (a) is employed in work of any kind; and
- (b) subject to paragraph (2) of section forty-four B is not in receipt of salary, wages, or income exceeding four hundred pounds per annum at the time of his application under this Act.

Provided that, where any person aforesaid is the parent of any child or children under sixteen years of age, the limit of four hundred pounds aforesaid shall, for the purposes of this definition, be increased by twenty-five pounds in respect of such child or in respect of each of such children.

Amendment  
of s. 8.  
Repeal and  
new section.  
Erection of  
workers'  
dwellings.  
See N.Z.,  
1910, No. 62,  
s. 4;  
N.S.W. Bill  
of 1911, c. 12.

3. Section eight of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

8. (1) On any land dedicated to the purposes of this Act the Minister may, upon the recommendation of the Board, cause dwelling-houses to be erected or may convert any buildings into dwelling-houses, and may from time to time alter, enlarge, repair, rebuild and improve such dwelling-houses.

Provided that the cost of such erection or construction, including sewerage connections, shall not in the case of any dwelling-house exceed the sum of nine hundred pounds.

(2) The plans and specifications for such dwelling-houses shall be subject to the approval of the Government Architect or some other officer appointed by the Minister.

Amendment  
of s. 11.  
Repeal and  
new section.  
Disposal of  
dwellings by  
lease.  
N.S.W. Bill  
of 1911, c. 15.

4. Section eleven of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

11. Subject to the provisions of this Act the Board may, with the approval of the Minister,

dispose of workers' dwellings in the following manner:—

- (a) The land on which the dwelling-house is erected shall, after appraisalment, be let to the applicant under a perpetual lease, subject to reappraisalment every twenty years. Such appraisalment and reappraisalment shall be based on the capital value less the value of the dwelling-house.

The rent payable shall be such rate per centum per annum on such appraisalment or reappraisalment, as the case may be, as may be prescribed.

- (b) The capital cost of the dwelling-house, with interest thereon at five per centum per annum, or at such other rate per annum as may be prescribed, shall be paid by the lessee by instalments extending over thirty-five years, or such other period as the Minister may direct; such instalments to be paid by way of an addition to the rent payable as hereinbefore provided, but the interest shall be payable only on the balance outstanding of such capital cost.

Provided that—

- (i) subject to the regulations, a lessee may at any time pay the whole of such capital cost or such portion as may for the time being remain unpaid, or any instalment in excess of the prescribed instalments; and
- (ii) the applicant may at any time pay off the whole of the moneys outstanding in respect of the capital cost of the dwelling and any accrued interest thereon and a sum equal to the last appraised value of the land on which such dwelling-house is erected, and he shall be thereupon entitled to acquire the freehold of the land.

5. Section fourteen of the principal Act is amended by deleting from subparagraph (iii) (inserted by the

Amendment  
of s. 14.

Act No. 35 of 1928, section six (b)) of paragraph (b) of subsection (2) of the said section, the word "eight" in the last line of the said subparagraph (iii) and inserting in lieu thereof the word "nine."

Amendment  
of s. 24.  
Repeal and  
new section.

Advances for  
homes; see  
S.A., No. 1018,  
s. 11;  
N.Z., No. 72  
of 1908, s. 48;  
Q., No. 10 of  
1909, s. 7.

6. Section twenty-four of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

24. (1) Subject to the provisions of this Act and the regulations, the Board may, with the approval of the Minister—

- (a) erect and dispose of dwelling-houses to workers; and
- (b) make advances to any worker, on the prescribed security, for the purpose of enabling him—
  - (i) to erect a dwelling-house on his holding as a home for himself and his family (if any); or
  - (ii) after erection or partial erection of a dwelling-house on his holding, to enlarge or complete the same; or
  - (iii) to purchase a dwelling-house and the land enclosed or occupied therewith, as a home for himself and his family (if any); or
  - (iv) to discharge any mortgage or liability already existing on his holding.

Provided that at no time shall the total advance made to any person under paragraph (b) of this subsection and for the time being remaining unpaid, exceed the sum of nine hundred pounds.

(2) Any advance under subsection (1) hereof may, subject to the regulations, be made by instalments, and in such case the total of the amounts advanced up to any given time shall not exceed the value of the progress theretofore made with the building as certified in writing by a valuer to the satisfaction of the Board.

(3) No provision in this section shall be applied to or affect or govern or alter the provisions of Part III. of this Act.

7. Section twenty-nine of the principal Act (as amended by the Act No. 75 of 1912) is amended by deleting paragraph (h) and inserting in lieu thereof a paragraph as follows:—

Amendment  
of s. 29.

(h) Irrespective of the prescribed instalments, the mortgagor may from time to time pay to the Board any sum in excess of the prescribed instalments in respect of repayment of the principal moneys owing by him to the Board, to be paid by the Board to the credit of the mortgagor into the Advance Instalments Deposit Fund established by the Board under section forty-five A of this Act, and to be applied and dealt with in accordance with the provisions of that section.

Provided that, subject to section forty-five A of this Act, no such payment shall in any way relieve the mortgagor of his obligation to pay the prescribed instalments or reduce the amount of the interest payable by the mortgagor under the mortgage.

8. Section thirty-two of the principal Act (as amended by the Act No. 35 of 1928) is amended by deleting from subsection (2) the word "eight" in line three of the said subsection and inserting in lieu thereof the word "nine."

Amendment  
of s. 32.

9. Section thirty-four of the principal Act (as amended by the Act No. 35 of 1928) is amended by deleting from paragraph (b) of subsection (2) the word "eight" in the last line but one of the said paragraph (b) and inserting in lieu thereof the word "nine."

Amendment  
of s. 34.

10. A section is inserted in the principal Act after section forty-five as follows:—

New section.

45A. (1) The Board shall establish a fund, to be kept at the Treasury and to be called "The Advance Instalments Deposit Fund."

Advance Instalments Deposit Fund; see Commonwealth No. 43 of 1918, s. 29.

(2) Wherever, in pursuance of the provisions of this Act, any lessee, purchaser, or mortgagor pays to the Board in respect of his liability to the Board under the lease, contract, or mortgage any instalment of principal money in excess of the prescribed instalments payable by him, the Board shall pay the amount of such excess instalment into the Advance Instalments Deposit Fund to the credit of such lessee, purchaser, or mortgagor.

(3) While any excess instalments shall remain in the said Fund to the credit of the lessee, purchaser, or mortgagor, the same shall be credited with compound interest, calculated yearly at a rate per annum to be prescribed.

(4) Deposits and interest accumulated in the said Fund to the credit of a lessee, purchaser, or mortgagor shall, at his request, be available for the payment of—

- (a) any instalments as they fall due;
- (b) any arrears of instalments;
- (c) expenses incurred for repairs, renovations, or additions to the dwelling occupied by the lessee, purchaser or mortgagor;
- (d) rates and taxes assessed in respect of the land and dwelling occupied by the lessee, purchaser or mortgagor; and
- (e) any other expenses incurred by the lessee, purchaser or mortgagor, with the approval of the Board, in connection with the land or dwelling occupied by him.

(5) If at any time the deposits and interest accumulated to the credit of a lessee, purchaser, or mortgagor in the said Fund under this section amount to such sum as is not less than the capitalised value of the whole of the existing and future liability of the lessee, purchaser, or mortgagor in connection with a lease, contract of sale or an advance, the Board may forthwith apply that sum in discharge of the said liability of the lessee, purchaser, or mortgagor, and, in the case of a lease, may grant a certificate of purchase, and, in the case of a sale of the freehold interest, may grant a transfer of the property in respect of which the contract of sale was entered into, and a discharge of the mortgage on the property in respect of which the advance was made, as the case may be.

Provided that, where the liability of a purchaser or mortgagor is discharged in pursuance of this subsection, within five years of the date of the lease or of the contract of sale or of the making of the advance, the Board may, prior to the expiration of that period of five years, refuse to grant a certificate

of purchase or a transfer of the property or a release of the mortgage, as the case may be.

11. The principal Act as amended by this Act may be cited as the Workers' Homes Act, 1911-1941.

Citation of  
principal Act  
as amended.

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