

RURAL HOUSING (ASSISTANCE).

No. 38 of 1981.

AN ACT to amend the Rural Housing (Assistance)
Act 1976-1978.

[Assented to 25 August 1981.]

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

1. (1) This Act may be cited as the *Rural Housing (Assistance) Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Rural Housing (Assistance) Act 1976-1978 is referred to as the principal Act.

Act No. 26
of 1976.
Amended by
No. 12 of
1978.

(3) The principal Act as amended by this Act may be cited as the Rural Housing (Assistance) Act 1976-1981.

Section 15
amended.

2. Section 15 of the principal Act is amended in subsection (1)—

(a) by inserting after “dependants” in paragraph (a) the following—

“ or as a home for a person whose sole or principal activity is the carrying on of farming operations on behalf of the applicant ” ; and

(b) by inserting after “dependants” in subparagraph (iii) of paragraph (b) the following—

“ or as a home for a person whose sole or principal activity is the carrying on of farming operations on behalf of the applicant ” .

Section 16
amended.

3. Section 16 of the principal Act is amended—

(a) in subsection (1), by inserting after “the Authority may” the following—

“ , with the approval of the Treasurer, ” ; and

(b) by inserting after subsection (2) the following subsections—

“ (3) For the purposes of this section the Treasurer may, either generally or as otherwise provided in the instrument of delegation, by instrument signed by him, delegate to the Minister the power of approval conferred on him by subsection (1) of this section and the power to execute a guarantee to indemnify an approved lending institution under section 12 of this Act and where the Treasurer does so—

(a) the Minister may exercise the powers in the same manner and to the same effect as if the

powers were directly conferred on him by this Act and not by the instrument of delegation; and

- (b) an approval or purported approval by the Minister and any indemnity given or purported to be given by him pursuant to an instrument of delegation under this subsection is presumed to be in accordance with the terms of the delegation under this subsection in the absence of proof to the contrary.

(4) A delegation by the Treasurer under subsection (3) of this section may be revoked or varied by instrument in writing signed by the Treasurer.

(5) The Treasurer may exercise any of the powers referred to in subsection (3) of this section notwithstanding the fact that he has delegated the powers under this section. ” .

4. Section 17 of the principal Act is amended—

Section 17
amended.

- (a) in subsection (1), by deleting “Where” and substituting the following—

“ Subject to subsection (1a) of this section, where ” ; and

- (b) by inserting after subsection (1) the following subsection—

“ (1a) The Authority shall not make an advance under subsection (1) of this section in respect of a dwelling house that is to be used or intended to be used otherwise than—

- (i) where the applicant is a natural person—for the purpose of a home for the applicant and his dependants;

- (ii) where the applicant is a body corporate—for the purpose of a home for one or more natural persons holding shares in the share capital of the applicant and the dependants of that person or those persons. ” .

Section 18 amended.

5. Section 18 of the principal Act is amended—

- (a) in subsection (1), by deleting “Where” and substituting the following—

“ Subject to subsection (3) of this section, where ” ; and

- (b) by inserting after subsection (2) the following subsection—

“ (3) The Authority shall not make an advance under this section in respect of a dwelling house that is to be used or intended to be used otherwise than—

- (i) where the applicant is a natural person—for the purpose of a home for the applicant and his dependants;

- (ii) where the applicant is a body corporate—for the purpose of a home for one or more natural persons holding shares in the share capital of the applicant and the dependants of that person or those persons. ” .

Section 18A inserted.

6. The principal Act is amended by inserting after section 18 the following section—

Authority may assist successor in title.

“ 18A. Where an approved farmer transfers or otherwise disposes of his holding or proposes to do so the Authority may approve of an application for financial assistance by a person who becomes or proposes to become the successor in title of the approved farmer in

respect of any moneys that then remain owing by the approved farmer in respect of a security taken or effected for the purposes of this Act and the provisions of sections 14, 15, 16, 17 and 18 of this Act, with such modifications as are necessary, apply to and in relation to any such application. ” .
