

STATE HOUSING.

5° Elizabeth II., No. XXXII.

No. 32 of 1956.

AN ACT to amend the State Housing Act, 1946-1954.

[Assented to 7th December, 1956.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *State Housing Act Amendment Act, 1956*.

(2) In this Act the State Housing Act, 1946-1954, Act No. 51 of 1946 as amended by Acts Nos. 27 of 1947, 19 of 1948, 15 and 27 of 1950, 52 of 1951, 23 of 1952, 77 of 1953 and 12 and 73 of 1954,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the State Housing Act, 1946-1956.

2. Section twenty-two of the principal Act is amended—

§. 22
amended.
Cf. No. 27
of 1950, s. 4.

- (a) by adding after the section designation, "22", the subsection designation, "(1)";
- (b) by substituting for the words, "make annual payment" in lines four and five, the words, "pay rates";
- (c) by deleting the words, "of the current rate" in line five;
- (d) by adding after the word, "authority" in line six, the passage, ", and the land shall be deemed to continue to be rateable land"; and
- (e) by adding after the word, "year" in the last line, the following subsection:—

(2) In this section—

"subdivided land" means an allotment of land, shown on an approved lodged map of subdivision kept at the Office of Titles under the Transfer of Land Act, 1893 to be of an area not exceeding one-quarter of an acre, or, if no such map is so kept, an allotment of land determined under that Act to be of an area not exceeding one-quarter of an acre.

Cf. T.L. Act,
1893,
Part VIII
generally;
and ss. 154,
160, and 163
particularly.

S. 27
amended.

3. Section twenty-seven of the principal Act is amended—

- (a) by adding after the word, “subject” in line three of paragraph (a), the passage, “, until the coming into operation of the State Housing Act Amendment Act, 1956,”;
- (b) by substituting for the passage, “or re-appraisement,” in line nine of paragraph (a), the passage, “, or on the last re-appraisement made before the coming into operation of that Act,”;
- (c) by deleting the word, “last” in line four of paragraph (ii) of the proviso to paragraph (b);
- (d) by adding before the word, “together” in line seven of paragraph (ii) of the proviso to paragraph (b), the passage, “or, as the case may be, the appraised value of that land as determined by the last re-appraisement made before the coming into operation of the State Housing Act Amendment Act, 1956,”; and
- (e) by adding after the word, “land” being the last word in paragraph (ii) of the proviso to paragraph (b), the passage—

; or

- (iii) if not less than ten per centum of the amount representing the capital cost of the dwelling and the appraised value of the land on which the dwelling is erected, or, as the case may be, the appraised value of that land as determined by the last appraisalment or re-appraisalment made before the coming into operation of the State Housing Act Amendment Act, 1956, has been paid; and if the balance of that amount does not exceed two

thousand five hundred pounds; and if all outstanding interest, costs, charges, rent accrued due, and expenses, payable in respect of the dwelling and land have been paid, the applicant shall, on making the prescribed application to the Commission and paying the prescribed fees and the necessary costs and expenses, be entitled to the freehold of the land subject to a mortgage to the Commission as security in respect of that balance as if it were an advance under Part VI. of this Act, the provisions of which Part shall apply *mutatis mutandis* in respect of that balance and the mortgage.

4. The principal Act is amended by adding after section thirty-two the following section:—

s. 32A
added

32A. (1) Where a lessee makes application under paragraph (iii) of the proviso to paragraph (b) of section twenty-seven of this Act for the freehold of land—

- (a) if the Commission is satisfied—
 - (i) that at least ten per centum of the amount mentioned in paragraph (iii) of that proviso has been paid;
 - (ii) that the balance of that amount does not exceed two thousand five hundred pounds; and
 - (iii) that all outstanding interest, costs, charges, rent, and expenses mentioned in paragraph (iii) of that proviso have been paid; and
- (b) if the lessee—
 - (i) pays the prescribed fees mentioned in paragraph (iii) of that proviso;

Cf. s. 38
post as to
lease.

- (ii) executes in favour of the Commission as mortgagee, a mortgage mentioned in paragraph (iii) of that proviso, of the lease of the land; and
- (iii) pays the necessary costs, fees, and expenses, of and incidental to the preparation, stamping, and registration, of the mortgage of the lease, and of the issue of a Crown Grant of the land;

the Commission shall cause the mortgage of the lease to be registered, and by authority of the Minister shall issue a certificate authorising the issue in the name of the lessee to the Commission of a Crown Grant subject to the mortgage.

(2) Production of the certificate mentioned in subsection (1) of this section and payment of the required registration and Crown Grant fees is sufficient authority for persons authorised by Act to do so, to cause the Crown Grant subject to the mortgage to issue in the name of the lessee to the Commission, and to cause appropriate entries to be recorded in registers kept pursuant to Act for the purpose of recording transactions relating to land.

S 35
amended.

5. Section thirty-five of the principal Act is amended—

- (a) by adding after the word, “or” in line four of subsection (1), the passage, “, subject to subsection (4) of this section,”; and
- (b) by adding after subsection (3), the following subsection:—

(4) (a) Approval.
mentioned in subsection (1) of this section,

of the disposal of a worker's dwelling
by a worker who is a lessee of the
land on which the dwelling is erected,
to another worker

may be given by the Commission only if
the value of the land is re-appraised
immediately prior to the disposal,

and then only on the conditions—

- (i) that the firstmentioned worker
surrenders his interest in the
lease of the land;
- (ii) that the secondmentioned worker
executes a lease of the land in
accordance with the provisions
of section thirty-one of this Act
and covenants in the lease to pay
the annual rental at the pre-
scribed rate per centum of the
value of the land as so re-
appraised; and
- (iii) that the secondmentioned worker
pays the prescribed fees, and
makes and lodges with the Com-
mission, a statutory declaration,
in which he deposes to the full
amount of the consideration
being paid to the firstmentioned
worker as the purchase price of
the land and dwelling and pays
in respect of the declaration duty
which shall be assessed under the
Stamp Act, 1921, on the declara-
tion as such, and on the full
amount of that consideration as
in the case of a transfer of land
on the sale thereof.

(b) The provisions of subsection (3) of
this section do not apply in respect of the
value of the land as re-appraised pursuant
to paragraph (a) of this subsection.

S. 36
amended.

6. Section thirty-six of the principal Act is amended by adding after the word, "acquired" in line two, the words, "by the Commission".

S. 45
amended.

7. Section forty-five of the principal Act is amended by deleting the words, "of not exceeding forty years" in lines one and two of paragraph (a).
