

Voluntary Workers (Soldiers' Holdings) Act 1917 No 25

[1917-25]



New South Wales

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Provisions in force

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Contents

Long title	3
1 Name of Act	3
2 Definitions	3
3 Issue of Crown grants	4
4 Public Trustee may acquire land to provide homes	4
5 Borrowing of money for Voluntary Workers' Associations	4
6 Application of money	4
7 Conveyance to soldier or dependent	4
7A Surrender by Public Trustee of certain lands	5
7B-8 (Repealed)	5
9 Investigation of accounts by Auditor-General	5
10 Regulations	5
11 Minister may grant and convey land	6
12 Repeal of Act does not affect operation of certain provisions	7

Voluntary Workers (Soldiers' Holdings) Act 1917 No 25



New South Wales

An Act to make provision for homes for disabled members of the naval and military forces, and for the dependents of such members who have died; for that purpose to provide for the issue of Crown grants of land and for aiding Voluntary Workers' Associations to purchase materials; to amend the *Public Instruction Act of 1880* and certain other Acts; and for purposes consequent thereon or incidental thereto.

1 Name of Act

This Act may be cited as the *Voluntary Workers (Soldiers' Holdings) Act 1917*.

2 Definitions

In this Act:

Dependent means any member of the family of a member of the forces who has died as a result of employment in connection with warlike operations in the present war, such dependents being wholly or in part dependent upon the earnings or pension of the member of the forces at the time of death; and where such member, being the parent or grandparent of an illegitimate child, leaves such a child, or being an illegitimate child, leaves a parent or grandparent so dependent upon the deceased member's earnings or pension, shall include such an illegitimate child and parent or grandparent respectively.

Disabled member of the forces means any such member who is permanently disabled.

Member of a family means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister.

Member of the forces means member of the Commonwealth naval or military forces, including member of the Imperial Reserve residing in New South Wales before the war, enlisted or appointed for or employed on active service outside Australia, or employed on a ship of war, or enlisted or appointed for service in connection with naval or military preparations or operations, including munition workers, and includes a member of the army medical corps or of the nursing service who is accepted or appointed by the Director-General of Medical Service for service outside Australia.

Voluntary Workers' Association means any association formed for the purpose of acquiring land and material for constructing buildings and effecting improvements by voluntary labour on land for homes for members of the forces and dependents under such conditions as the Governor may by regulation prescribe.

3 Issue of Crown grants

The Governor may issue Crown grants to the Public Trustee of land which shall be held and disposed of in pursuance of this Act.

4 Public Trustee may acquire land to provide homes

The Public Trustee may at the request of a Voluntary Workers' Association acquire, hold, subdivide, alienate, and mortgage lands for the purpose of providing homes for members of the forces and dependents.

5 Borrowing of money for Voluntary Workers' Associations

The Public Trustee may borrow moneys on the security of any land so granted to, or acquired or held by, the Public Trustee and on the security of any buildings, improvements, and materials thereon, and shall from time to time, as the Public Trustee thinks fit, make advances out of such moneys to Voluntary Workers' Associations for the purchase of materials for constructing buildings and effecting improvements by voluntary labour on such land for homes for disabled members of the forces and dependents.

6 Application of money

A Voluntary Workers' Association receiving money from the Public Trustee shall apply it to the purposes aforesaid and shall inform the Public Trustee of the portions of the said land on which it proposes to construct buildings and effect improvements as aforesaid, and give such other particulars in relation to such proposal as the Public Trustee may require.

7 Conveyance to soldier or dependent

- (1) When a Voluntary Workers' Association has constructed buildings and effected improvements on any such portion it shall give to the Public Trustee particulars of the materials used therein and its estimate of their value. The Public Trustee shall, at the request of such association or, where the Public Trustee is satisfied that the association has disbanded or ceased to function, at the request of the Minister, convey such portion with all buildings and improvements thereon to the member of the forces or dependent named by such association, or by the Minister, when making the request, on such terms and conditions as the Public Trustee considers desirable.
- (2) Such member or dependent shall thereupon execute a mortgage of such portion to the Public Trustee, or to any person named by the Public Trustee, to secure the payment by instalments of the value of the materials used for buildings and improvements thereon as aforesaid; such value to be fixed by the Public Trustee.

- (3) The Public Trustee or other person to whom such mortgage has been given shall apply so much of the money thereby secured as is equivalent to the value of the materials aforesaid to repay the moneys borrowed by the Public Trustee under section four.
- (4) Neither the Registrar-General nor any other person registering or certifying or investigating title shall be concerned to inquire, in relation to any land expressed to be transferred by the Public Trustee pursuant to this section:
 - (a) whether any request was made under subsection (1), or
 - (b) whether the person to whom the land was transferred was the person named under that subsection.

7A Surrender by Public Trustee of certain lands

- (1) The Public Trustee may surrender to the Crown any lands included in any Crown grant which has been made to the Public Trustee under this Act.
- (2) Land so surrendered as aforesaid shall be deemed to be land temporarily reserved from sale and lease under the [Crown Land Management Act 2016](#), and may on revocation of the reserve be dealt with in accordance with that Act.
- (3) Nothing in this section shall apply to any lands held by the Public Trustee which are the subject of any charge or incumbrance.

7B-8 (Repealed)

9 Investigation of accounts by Auditor-General

The Auditor-General, whenever he or she thinks it desirable so to do, may investigate the accounts of any Voluntary Workers' Association, and shall report the result of the investigation to the Minister for Lands, who shall take such action as the Minister may deem desirable to safeguard the interests of such Voluntary Workers' Association or the persons whom it is the object of the Voluntary Workers' Association to benefit.

10 Regulations

- (1) The Governor may make regulations for carrying out the provisions of this Act and in particular:
 - prescribing the conditions on which moneys may be paid by the Public Trustee to Voluntary Workers' Associations,
 - prescribing the particulars to be furnished to the Public Trustee by such associations as to the expenditure of the moneys so paid to them,
 - prescribing the terms and conditions of mortgages by members of the forces and dependents,

fixing the rate of interest to be charged in such mortgages,

prescribing the particulars to be furnished to the Public Trustee as to the materials provided for or used in respect of any portion.

(2) (Repealed)

11 Minister may grant and convey land

Notwithstanding anything to the contrary in the *Education and Public Instruction Act 1987*, the Minister of Public Instruction may without consideration grant and convey the lands described in the Schedule hereto to trustees for homes for disabled members of the forces and dependents, subject to such conditions and with such powers with regard to the land as the Governor may confer on them:

Schedule

Brighton-le-Sands

All that piece or parcel of land situated at Brighton-le-Sands, in the parish of St. George, and county of Cumberland, containing 1 acre 3 roods and 39½ perches or thereabouts, being lots 21, 22, 23, 30, 31, and 32 of section 2 on a plan deposited in the Lands Titles Office, Sydney, numbered 306, and part of portion 46, delineated in the public map of the said parish, deposited in the office of the Surveyor-General, originally granted to William Henry Harding by Crown grant, dated the ninth day of February, one thousand eight hundred and fifty-four, also being the land comprised in certificate of title, registered volume 330, folio 59.

Arncliffe

All that piece or parcel of land situated at Arncliffe, in the municipality of Rockdale, parish of St George and county of Cumberland, containing 1 acre 1 rood 2½ perches or thereabouts, being part of Wincanton estate, and being also part of 100 acres (portion 242 of parish) delineated in the public map of the said parish in the Department of Lands originally granted to Reuben Hannam by Crown grant, dated the thirty-first day of August, one thousand eight hundred and thirty-three, also being the land comprised in certificate of title, registered volume 2661, folio 41.

Oatley

All that piece of land situated in the parish of St George, county of Cumberland, being lots 9, 10, 11, and 12, section 13, of Oatley's grant first subdivision: Commencing at the intersection of the west side of Woronora Parade with the south side of Acacia-street, and bounded thence on the north by Acacia-street, bearing west 5 chains to Mi Mi street; thence on the west by that street bearing south 2 chains; thence on the south by lots 13 and 8, bearing east 5 chains to Woronora Parade; and thence on the east by that Parade, bearing north 2 chains to the point of commencement, containing by admeasurement 1 acre, be the same more or less.

12 Repeal of Act does not affect operation of certain provisions

- (1) Despite the repeal of the *Voluntary Workers (Soldiers' Holdings) Amendment Act 1974*, sections 4-8 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 4-8 of the *Voluntary Workers (Soldiers' Holdings) Amendment Act 1974* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.