**ADVANCES TO SETTLERS ACT AMENDMENT BILL 1988**

**House of Assembly, 10 August 1988, pages 117-8**

Second reading

**The Hon. J.C . BANNON (Premier and Treasurer)** obtained leave and introduced a Bill for an Act to amend the Advances to Settlers Act 1930. Read a first time.

The Hon. J.C. BANNON: I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

This Bill proposes an amendment to the Advances to Settlers Act 1930 that was enacted to provide loans to settlers on Crown land. In 1986, the Act was amended, prohibiting new loans as from 30 June 1986. Existing loans under the Act are administered by the State Bank, as agent for the Government. The purpose of the Bill is to make several minor amendments to the Act to allow the regulations under the Act to expire on 1 January 1989.

The existing regulations under the Act were made in 1953 and subsequently amended in 1958. An amendment to the Subordinate Legislation Act in 1987 enacted a provision for regulations made prior to 1 January 1960 to expire on 1 January 1989. The 1958 amending regulation, which deals only with fees payable in respect of new advances, no longer has any application given that no further loans can be made under the Act.

The remainder of the regulations only have limited application, dealing with collateral or substitute mortgages, the need for which may still arise in the event of a division of land in which the bank has an interest. Sections 10 (5) and 11 (1) of the principal Act both require the form of mortgage documents to be prescribed by the regulations. By deleting these references and thereby allowing the bank to determine the form of any future mortgage documents, the whole of the regulations will have no further application and so can be allowed to lapse on 1 January 1989.

Clause 1 is formal.

Clause 2 amends section 10 of the Act by removing the requirement in subsection (5) that mortgages executed under that section be in the form prescribed by the regulations.

Clause 3 amends section 11 of the Act by removing the requirement in subsection (1) that a mortgage executed under that section be in the form prescribed by the regulations.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.