

SOUTH AUSTRALIA

SOUTH AUSTRALIAN HOUSING TRUST ACT 1936

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **30 June 1995**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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SOUTH AUSTRALIAN HOUSING TRUST ACT 1936

being

South Australian Housing Trust Act 1936 No. 2333 of 1936
[Assented to 3 December 1936]

as amended by

South Australian Housing Trust Act Amendment Act 1937 No. 2371 of 1937 [Assented to 15 December 1937]
South Australian Housing Trust Act Amendment Act 1940 No. 46 of 1940 [Assented to 28 November 1940]
South Australian Housing Trust Act Amendment Act 1942 No. 21 of 1942 [Assented to 12 November 1942]
South Australian Housing Trust Act Amendment Act 1946 No. 49 of 1946 [Assented to 19 December 1946]
South Australian Housing Trust Act Amendment Act 1947 No. 7 of 1947 [Assented to 2 October 1947]
South Australian Housing Trust Act Amendment Act 1948 No. 10 of 1948 [Assented to 26 August 1948]
South Australian Housing Trust Act Amendment Act 1952 No. 50 of 1952 [Assented to 4 December 1952]
Statute Law Revision Act 1957 No. 42 of 1957 [Assented to 14 November 1957]
South Australian Housing Trust Act Amendment Act 1965 No. 48 of 1965 [Assented to 9 December 1965]
South Australian Housing Trust Act Amendment Act 1971 No. 67 of 1971 [Assented to 21 October 1971]
Statutes Amendment (South Australian Housing Trust and Housing Improvement) Act 1973 No. 78 of 1973 [Assented to 6 December 1973]
South Australian Housing Trust Act Amendment Act 1981 No. 93 of 1981 [Assented to 23 December 1981]
South Australian Housing Trust Act Amendment Act 1989 No. 17 of 1989 [Assented to 20 April 1989]
South Australian Housing Trust (Water Rates) Amendment Act 1995 No. 16 of 1995 [Assented to 6 April 1995]¹

¹ Came into operation 30 June 1995: s. 2.

N.B. The *Residential Tenancies (Housing Trust) Amendment Act 1993* was repealed before it was brought into operation.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to constitute a trust to be known as the South Australian Housing Trust, and to define its powers, and for other purposes.

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *South Australian Housing Trust Act 1936*.

Interpretation

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

"**chairman**" means the chairman of the trust;

"**lease**" includes any agreement for a lease or any tenancy agreement;

"**member**" means member of the trust;

"**Minister**" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor;

"**trust**" means the South Australian Housing Trust constituted by this Act.

Note: For definition of divisional penalties (and divisional expiation fee) see Appendix 2.

The Trust and its General Powers

Establishment of trust

3. There shall be established a trust to be called the "South Australian Housing Trust", which shall be charged, subject to and in accordance with the directions of the Minister, with the duty of administering this Act.

Ministerial control

3A. (1) In the exercise of the powers, functions, authorities and duties conferred upon the trust by or under this or any other Act the trust shall be subject to the direction and control of the Minister.

(2) Where any direction given in pursuance of subsection (1) of this section adversely affects the accounts of the trust the Chairman shall notify the Minister and the amount of any loss occasioned by any such direction shall, if certified by the Auditor-General be paid to the trust out of moneys to be provided by Parliament.

Incorporation of trust

4. The trust shall be a body corporate with perpetual succession and a common seal and power to hold and dispose of property of all kinds, and may under its corporate name sue and be sued and be a party to any legal proceedings.

Members of trust

5. Except as provided in the *Housing Improvement Act 1940*, as amended, and subject to that Act, the trust shall consist of a chairman and five other members, all of whom shall be appointed by the Governor.

Acting chairman and acting members

6. (1) If the chairman is for any reason unable for the time being to perform the duties of his office the Governor may appoint a member of the trust to be the acting chairman during the inability of the chairman.

(2) If any member is for any reason unable for the time being to perform the duties of his office the Governor may appoint some other person to be an acting member of the trust during the inability of the member.

(3) The acting chairman or an acting member shall whilst so acting have all the powers and duties of the chairman or of a member, as the case may be.

Term of office

7. (1) The chairman and every member of the trust shall hold office for four years, but a retiring chairman or member shall be eligible for re-appointment: Provided that three members to be chosen by lot shall retire upon the expiration of two years after the first appointment of members of the trust.

(2) A person appointed to a casual vacancy on the trust shall hold office only for the balance of the term of office of the person in whose stead he was appointed.

Removal from and vacancy in office

8. (1) The Governor may remove the chairman or any member of the trust from office for misconduct or incapacity.

(2) The office of the chairman or a member of the trust shall become vacant if he—

- (a) dies; or
- (b) resigns by written notice given to the Treasurer; or
- (c) is absent from three consecutive meetings of the trust without leave granted by the Minister; or
- (d) becomes bankrupt or makes an assignment of his property for the benefit of his creditors or compounds with his creditors for less than one hundred cents in the dollar; or
- (e) is convicted of any offence triable on information in the Supreme Court or a District Criminal Court; or
- (f) is convicted of any other offence and receives a notice in writing from the Treasurer discharging him from office on the ground of such conviction.

Disqualification from membership of trust

9. (1) Subject to subsection (2), no person may be appointed or continue as the chairman or a member of the trust, whether on a permanent or an acting basis, if the person has a direct or indirect interest in a contract made by the trust.

(2) A person is not disqualified as referred to in subsection (1) by reason only of the fact that—

- (a) the person has an interest in shares in a public company that is interested in a contract made by the trust, provided that the person's interest does not amount to a substantial shareholding in the company; or
- (b) the person is a party to a contract for the letting or sale of a house by the trust, or occupies, or is to occupy, a house or part of a house as a result of any such contract made by the trust with another person; or
- (c) the person is a member of a non-profit association, or of the governing body or a committee of a non-profit association, that is a party to a contract with the trust.

(3) In this section—

"non-profit association" means an association (whether incorporated or unincorporated)—

- (a) that does not have as its principal object, or one of its principal objects, the carrying on of a trade or the making of a profit; and
- (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members;

"public company" means a public company as defined in section 5(1) of the *Companies (South Australia) Code*.

(4) For the purposes of this section, a person has a substantial shareholding in a public company if—

- (a) the person has a substantial shareholding in the company for the purposes of Division 4 of Part 4 of the *Companies (South Australia) Code*; or
- (b) the person would have a substantial shareholding in the company for the purposes of Division 4 of Part 4 of the *Companies (South Australia) Code* if the company were a company within the meaning of that Division.

Disclosure of interest

9A. (1) A person holding office as the chairman or a member of the trust, whether on a permanent or an acting basis, who is directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the trust is guilty of a summary offence unless the person—

- (a) as soon as practicable after becoming aware of the contract, or the proposal to make the contract, discloses the nature of that interest to the trust; and
- (b) refrains from taking part in any deliberations or decisions of the trust with respect to that contract.

Penalty: Division 6 fine.

(2) A disclosure under this section must be recorded in the minutes of the trust.

(3) Where a person makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section—

- (a) the contract is not void, or liable to be avoided, on any ground arising from the person's interest in the contract; and
- (b) the person is not liable to account to the trust for any profits derived from the contract.

Quorum

10. The chairman or acting chairman and any three members of the trust shall form a quorum thereof.

Validity of acts of the trust

11. No act or proceeding of the trust shall be invalid on the ground only of any vacancy in the office of the chairman or any member, or of any defect in the appointment of the chairman or any member.

Remuneration of the trust

12. (1) If the Governor deems it expedient to do so, he may order that the chairman and the members of the trust shall receive from the trust fees or salaries of such amount as the Governor determines.

(1a) Until the Governor orders and determines otherwise in pursuance of subsection (1) of this section, the relevant fees and salaries of the chairman and the members as prescribed for the time being by regulation whether made under the *Statutory Salaries and Fees Act 1947*, as amended, or under the *Housing Improvement Act 1940*, as amended, and in force immediately before such order and determination takes effect shall be the fees and salaries of the chairman and members respectively.

(2) The chairman and every member of the trust shall be entitled to receive from the funds of the trust travelling and other out-of-pocket expenses at such reasonable rates as are prescribed by regulation.

Staff of the trust

13. (1) The trust may employ a secretary and any other officers whom it requires at such remuneration as it fixes.

(2) The trust may with the approval of the Minister administering any department of the Public Service, make use of the services of any person employed in that department on any terms and conditions which are agreed upon between the Minister and the trust.

(3) If pursuant to the provisions of this section or of section 10 of the *Housing Improvement Act 1940*, as amended, the services of any person employed in any department of the public service are used by the trust, and if the trust is desirous of employing permanently that person as an officer of the trust, then, if so directed by the Treasurer, the said person shall, except for the purposes hereinafter mentioned, cease to be an officer of the public service and shall be an officer of the trust.

Notwithstanding that any such person becomes an officer of the trust, the following provisions shall apply to that person:—

1. The said person shall be deemed to continue to be an officer in the public service within the meaning of and for the purposes of section 90 of the *Public Service Act 1967*, as amended, and for the purpose of ascertaining any leave of absence to which the said person may be entitled pursuant to the said section, service with the trust shall be deemed to be service in the public service for the purposes of that section. If pursuant to the said section any such person is granted leave of absence by the Governor, the salary to be paid to such person during the leave of absence shall be paid by the trust but the Treasurer shall, from moneys to be provided by Parliament, repay to the trust such portion of the salary so paid as the Treasurer deems proper after taking into account the respective periods of service of the said person in the public service and as an officer of the trust and any other circumstances thought relevant by the Treasurer:
2. If at the time the direction is given as aforesaid by the Treasurer, the said person is a contributor to the Superannuation Fund pursuant to the *Superannuation Act 1969*, as amended, or any other corresponding previous or subsequent enactment, he shall, subject to this Act and to that Act or enactment, as the case may be, continue to be a contributor and shall be deemed to be an employee within the meaning of that Act or enactment, as the case may be:
3. If the said person ceases to be an officer of the trust but contemporaneously with so ceasing is again appointed as a member of the public service, then, for the purposes of the *Public Service Act 1967*, as amended, service with the trust shall then be deemed to have been service in the public service and his service in the public service, including the service with the trust, shall be deemed to have been continuous.

Provision of superannuation benefits to officers of the trust

13A. (1) Officers of the trust may, in accordance with the provisions of Part 2 of the schedule to this Act, become contributors to the South Australian Superannuation Fund continued in existence under the *Superannuation Act 1969*, as amended, or by any subsequent Act, and the trust may expend any revenues of the trust, whether received by the trust under this Act or the *Housing Improvement Act 1940*, as amended, in the provision of pensions to those officers.

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Trust to hold certain property on behalf of Crown

14. (1) All real and personal property of the trust shall be held by the trust for and on behalf of the Crown.

(2) Notwithstanding the provisions of subsection (1) of this section, the trust shall, for the purposes of the *Fences Act 1924-1926* but for no other purpose, be deemed not to hold its real and personal property for and on behalf of the Crown and the trust shall be subject to the liabilities and duties and shall have the rights which are by the said Act imposed upon or given to occupiers of land.

Application of Public Service Act

14A. The chairman or any member, officer, or employee of the trust shall not, as such, be subject to the *Public Service Act 1967*, as amended.

Report to Minister

14B. The trust shall within fourteen days after making any decision for any capital expenditure from any moneys of the trust furnish the Minister with a copy of that decision.

Duty to furnish papers, etc.

14C. (1) The trust shall furnish the Minister with such reports, documents, papers, and minutes as may be required by Parliament pursuant to any Act or pursuant to any resolution of either House of Parliament.

(2) The trust shall also furnish the Minister with all information on any business of the trust as may be required by him.

Liability of members

15. No member of the trust shall be personally liable in respect of any transaction, act, or omission of the trust entered into, done, or made in good faith in the execution or intended execution of this Act.

Accounts

16. The trust shall keep books of account in such manner and form as is in accordance with approved methods of accountancy, and at the end of each financial year shall produce a balance-sheet showing accurately and in detail its assets and liabilities, receipts and expenditure, and profit and loss account.

Audit

17. (1) The Auditor-General shall make an annual audit of the trust's accounts and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(2) The trust shall pay to the Treasurer a reasonable fee of an amount approved by the Treasurer for every audit.

Triennial investigation

18. Once in every three years the Governor shall cause an investigation to be made into the operations and administration of the trust and a report thereon to be supplied to the Governor.

Annual report

19. (1) The trust shall within three months after the close of each financial year prepare and present to the Treasurer a balance-sheet and a report on its operations during that financial year and the report shall as soon as practicable after receipt thereof be laid before both Houses of Parliament.

(2) The trust shall, within fourteen days after presenting its report and balance-sheet to the Treasurer, file a copy thereof in the office of the Registrar of Companies; and the Registrar of Companies shall, without fee, permit any person to inspect that report and balance-sheet at any time during office hours.

General powers of the trust

20. (1) For the purposes of, and subject to, this Act the trust may—

- (a) borrow money for the purpose of building houses at such rate of interest as the Treasurer may from time to time authorise: and

- (b) mortgage, charge, or enter into any other transaction for making any of its property security for any loan: and
- (c) buy, sell, let, hire, or otherwise dispose of real and personal property of any kind: and
- (d) build, alter, enlarge, repair and improve houses or enter into contracts under which houses will be built, altered, enlarged, repaired, or improved on behalf of the trust: and
- (e) convert buildings into houses: and
- (f) let houses and exercise in relation to any houses of the trust any power which a landlord has by statute or otherwise: and
- (g) insure any property belonging to the trust: and
- (h) pay bonuses or allowances to tenants of houses of the trust, who show special diligence and care: and
- (i) exercise any other power necessary or convenient for carrying this Act into effect: and
- (j) exercise any power conferred on the trust by or under any other Act.

(2) The trust shall not borrow any money pursuant to this Act or mortgage or charge any of its property or give any of its property as security for any loan except with the consent in writing of the Minister.

Power to borrow on the security of debentures or promissory notes

20A. (1) The trust may, with the consent of the Treasurer, borrow money or otherwise raise funds for the purposes of this Act or of the *Housing Improvement Act 1940-1978* on the security of debentures, or promissory notes, issued by the trust.

(2) The trust may issue any such debentures or promissory notes.

(3) The terms of a debenture issued under this section may be such as to create a mortgage or charge over assets of the trust generally or over specified assets of the trust.

Inscribed debenture stock

20B. (1) In any case where the trust has power to issue debentures it may issue inscribed debenture stock instead of such debentures.

(2) On the application of the owner of any debentures issued by the trust the trust may convert them into inscribed debenture stock.

(3) The trust shall keep a register of inscribed debenture stock. The register of inscribed debenture stock is hereinafter in this section called "the register".

(4) The inscribed debenture stock shall be deemed to be issued, and debentures shall be deemed to be converted into inscribed debenture stock, when the name of the owner, and the amount and description of the stock, and any other particulars determined by the trust, are entered in the register.

(5) A person whose name is inscribed in the register as the owner of any inscribed debenture stock shall be deemed to be the owner of that stock and may dispose of and transfer it in the manner prescribed by this section and may give effectual receipts for any money paid to him by way of consideration.

(6) The trust may, if it sees reasonable cause for doing so, issue to any person a certificate stating that any person was, on a day and at an hour mentioned in the certificate, inscribed in the register as the owner of a specified amount of inscribed debenture stock.

Such a certificate shall be *prima facie* evidence of the fact stated thereon.

(7) The legal ownership of inscribed debenture stock shall not be transferred from the owner whose name is inscribed in the register to any other person until—

- (a) the said owner and the transferee have executed a transfer in a form fixed by the trust, and the name of the transferee and the amount of his stock have been entered in the register; or
- (b) a person to whom the title to any inscribed debenture stock has passed on death or bankruptcy or otherwise by operation of law has produced to the trust such reasonable evidence of his title as the trust requires, and his name has been entered in the register as the owner of the stock.

(8) No notice of any trust, express, implied or constructive, affecting inscribed debenture stock, shall be received by the trust or entered in the register or any other book kept by the trust.

(9) Subject to the provisions of this section relating to the transfer and transmission of inscribed debenture stock and notice of trusts, equitable interests may be enforced against the owners of inscribed debenture stock.

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Government guarantee of debentures

20C. (1) The Treasurer shall, out of the general revenue of the State, make good any default of the trust in meeting any liability of the trust to any person, other than the Treasurer, under any debenture, inscribed debenture stock, or promissory note issued by the trust.

(2) The amount of general revenue required for the purposes of this section is hereby appropriated.

(3) The trust shall, on demand, pay to the Treasurer the amount of any payment made by him pursuant to subsection (1) of this section.

(4) A loan or other investment in respect of which a guarantee exists under subsection (1) shall be regarded as an investment in which a trustee is (unless forbidden by the instrument creating the trust) authorised to invest trust funds.

Exemption of gifts from succession duty

21. No succession duty shall be payable upon any property given, devised, or bequeathed to the trust.

Provision of Dwelling-Houses

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The South Australian Housing Trust Fund

23. (1) The houses built by the trust under this Act shall be paid for from moneys of the trust held by the Treasurer in the fund called the South Australian Housing Trust Fund.

(2) The South Australian Housing Trust Fund shall consist of—

- (a) all moneys which are lent to the trust under paragraph (a) of section 20 of this Act or by the Treasurer pursuant to this or any other Act:
- (b) all rents and other moneys paid by tenants of houses owned by the trust:
- (c) all other moneys arising out of transactions of the trust in relation to houses owned by the trust.

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Amalgamation of funds

24A. (1) Notwithstanding the provisions of this Act or the provisions of the *Housing Improvement Act 1940-1947* for so long as the powers and duties vested in or imposed upon the housing authority within the meaning of the *Housing Improvement Act 1940-1947* are vested in and imposed upon the trust, the moneys of the trust which at the passing of the *South Australian Housing Trust Act Amendment Act 1948* are held by the Treasurer in the Housing Trust Fund No. 1 and the Housing Improvement Fund and which at any time after the said passing would otherwise be held by the Treasurer in either of the said funds shall be held by the Treasurer in an amalgamated fund to be called the "South Australian Housing Trust Fund".

(2) The moneys in the South Australian Housing Trust Fund may be expended by the trust for the purposes of this Act and the *Housing Improvement Act 1940*, as amended.

(3) During such time as the moneys of the trust are held as aforesaid in the South Australian Housing Trust Fund, every reference in the *Housing Improvement Act 1940*, as amended, to the Housing Improvement Fund or to "the fund", shall be deemed to be a reference to the South Australian Housing Trust Fund and this Act and the *Housing Improvement Act 1940*, as amended, shall be construed accordingly.

(4) Notwithstanding section 23 of this Act and the foregoing provisions of this section, and notwithstanding any other Act, the trust may invest any of its moneys held in the South Australian Housing Trust Fund and not immediately required for the purposes of this Act or of the *Housing Improvement Act 1940*, as amended, in any manner approved by the Treasurer, and the income, if any, from those investments shall be paid into and form part of that fund.

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Letting of houses

26. Subject to this Act the trust may—

- (a) let any house constructed under this Act for such periods as the trust thinks proper:
- (b) fix the terms, covenants and conditions on which any house is to be let.

Restrictions on letting of houses

27. (1) With respect to the letting of houses the following provisions shall apply:—

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- (b) The trust shall not let any house to any person who at the time of applying for the lease owns a dwelling-house: Provided that if the trust is satisfied that any person applying for the lease of a house owns a dwelling-house which is situated at a place remote from his place of employment and that by reason of the distance of the dwelling-house from his place of employment he cannot reside in that dwelling-house whilst continuing in his employment, the trust may let a house to such person:
- (c) The trust shall let houses at such rents as the trust from time to time decides and, notwithstanding the provisions of any other Act, the trust may from time to time vary the rents of any such houses which are constructed to provide similar accommodation and are situated in the same or comparable localities, so that the rents of the houses shall be the same notwithstanding that the cost of building some of the houses exceeds the cost of building other of the houses.

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Power to sell houses

29. (1) The trust may sell any house belonging to it to any tenant of the trust or to any person to whom it could let that house.

(2) The sale may be either for cash or on credit, and subject to any terms and conditions which the trust thinks proper.

Power of Trust to carry out conditions of gifts

29A. If the trust receives any gift, devise or bequest for the purpose of assisting it to provide houses, and that gift, devise or bequest is subject to any trust, condition or stipulation which cannot by reason of any other provision of this Act be given effect to, the trust may, notwithstanding that provision, give effect to the trust, condition or stipulation, if it is otherwise in accordance with law.

Excess or additional water

30. A provision in a tenancy agreement between the trust and a tenant that, on the commencement of this section, provides for the tenant to pay an amount for or towards excess or additional water supplied to the premises will be taken to provide—

- (a) that rates and charges for water supply are to be borne as agreed between the trust and the tenant under a new agreement (or a variation to an existing agreement) made after the commencement of this section; and
- (b) in the absence of an agreement about rates and charges for water supply under paragraph (a)—
 - (i) that the trust will bear the rates and charges for water supply charged after the commencement of this section up to a limit fixed or determined under the regulations; and
 - (ii) that any amount in excess of the limit is to be borne by the tenant.

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Regulations

32. The Governor may make any regulations necessary or convenient for carrying this Act into effect and may by any regulation impose penalties recoverable summarily and not exceeding twenty dollars for breach of any regulation under this Act.

South Australian Housing Trust Act 1936

THE SCHEDULE

**PART 1
PRELIMINARY**

1. (1) For the purposes of this schedule—

"**the board**" means the South Australian Superannuation Fund Board;

"**the fund**" means the South Australian Superannuation Fund.

(2) In this schedule "**employee**" means a person who is employed in a permanent capacity by the trust.

**PART 2
PROVISION OF SUPERANNUATION BENEFITS FOR EMPLOYEES OF THE TRUST**

2. (1) Any employee may, subject to the provisions of this schedule, apply at any time to the trust for approval to become a contributor to the fund.

(2) The trust shall consider any such application and if approved by the trust the application shall be forwarded by the trust to the board.

(3) The board shall thereupon consider the application and, if approved by the board, the employee shall become a contributor to the fund from the day fixed by the board, and shall, subject to this schedule, pay the same contributions and be entitled to the same benefits under the *Superannuation Act 1969*, as amended, or under any corresponding previous or subsequent enactment, whichever benefits are appropriate to his case, and be subject in all respects to the provisions of that Act or enactment, as the case may be, as if he were an employee within the meaning of that Act or enactment, as the case may be.

3. If any question arises whether any person is an employee within the meaning of this schedule, that question shall be determined by the board, and the decision of the board shall be final and not subject to review by any court.

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5. (1) Any payment to the fund in respect of any employee which would otherwise be made by the Government pursuant to Division 4 of Part 3 of the *Superannuation Act 1969*, as amended, or pursuant to any corresponding previous or subsequent enactment, shall, subject to subparagraph (2) hereof, be made by the trust in place of the Government.

(2) If any employee before becoming an employee of the trust was an employee within the meaning of the *Superannuation Act 1969*, as amended, or any corresponding previous or subsequent enactment, and was a contributor to the fund before becoming an employee of the trust, the Treasurer shall, out of moneys to be provided by Parliament, repay to the trust such proportion of any payment made by the trust as aforesaid as the Treasurer thinks just after taking into account the respective periods of service of the employee as an employee within the meaning of the *Superannuation Act 1969*, as amended, or any corresponding previous or subsequent enactment, and as an employee of the trust and any other circumstances thought relevant by the Treasurer.

6. If an employee who was or is a contributor to the fund has ceased or ceases to be an employee of the trust and, contemporaneously with the time of so ceasing, has become or becomes an employee within the meaning of the *Superannuation Act 1969*, as amended, or any corresponding previous or subsequent enactment—

(a) if he became such an employee before the commencement of the *Statutes Amendment (South Australian Housing Trust and Housing Improvement) Act 1973* he shall, or

(b) if he becomes such an employee after such commencement, he may, with the board's approval,

continue to be a contributor to the fund, and in such case the trust shall not be liable to make any payment as required by paragraph 5 of this schedule.

7. The trust may from time to time from its moneys set aside such amounts as the trust thinks fit in order to provide for future payments to be made by the trust pursuant to paragraph 5 hereof. The trust may invest any amount so set aside in any securities of the Commonwealth or the State or in any securities guaranteed by the Commonwealth or the State.

8. If any doubt or difficulty arises respecting the application to any person of this schedule or the *Superannuation Act 1969*, as amended, or any corresponding previous or subsequent enactment, or if, in the opinion of the board, this schedule omits to make provision for any matter necessary to be provided for relating to any person, the board may, by notice in writing, make a declaration for the purpose of removing any such doubt or difficulty or determining what is to be done in the circumstances, and the provisions of any such notice shall be as valid and effectual to all intents and purposes as if the matters therein provided for had been provided for by this schedule.

9. (1) This schedule shall be construed as if it were incorporated with the *Superannuation Act 1969*, as amended, and with every corresponding previous and subsequent enactment, to the extent that such incorporation is necessary and appropriate, and, subject to the provisions of this schedule, the provisions of the said Act or enactment, as the case may require, shall apply to every employee being a contributor of the fund.

(2) For the purposes of the application of sections 34 and 40 of the *Superannuation Act 1926*, as amended, and of section 58 of the *Superannuation Act 1969*, as amended, and of any corresponding subsequent enactment, to any employee, any time of employment as an employee of the trust shall be deemed to be time during which the employee has been in the service within the meaning of the said sections.

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South Australian Housing Trust Act 1936

APPENDIX 1

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 10 of The Public General Acts of South Australia 1837-1975 at page 248.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 9:	substituted by 17, 1989, s. 2
Section 9A:	inserted by 17, 1989, s. 2
Section 20A:	substituted by 93, 1981, s. 2
Section 20B(10):	repealed by 93, 1981, s. 3
Section 20C(1):	amended by 93, 1981, s. 4(a)
Section 20C(4):	inserted by 93, 1981, s. 4(b)
Section 30:	inserted by 16, 1995, s. 3

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25