

South Australia

South Australian Housing Trust (General) Regulations 1995

under the *South Australian Housing Trust Act 1995*

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Legislative history

1—Short title

These regulations may be cited as the *South Australian Housing Trust (General) Regulations 1995*.

2—Commencement

These regulations will come into operation on the day on which the *South Australian Housing Trust Act 1995* comes into operation.

3—Interpretation

In these regulations—

the Act means the *South Australian Housing Trust Act 1995*.

4—Disclosure of interest

- (1) Pursuant to section 12(1)(c) of the Act, a member of the Board who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Board must be absent from the room when deliberations are taking place or decisions are being made on the matter.
- (2) However, subregulation (1) does not apply—
 - (a) if the interest arises because the member has shares in a public company that is interested in a contract with SAHT, provided that the person's interest does not amount to a substantial shareholding in the company; or
 - (b) if the interest arises because the member is a tenant of SAHT, or a party to a contract for the purchase of a house from SAHT, provided that the matter under consideration is of general application to all persons in that situation, or to a substantial number of them; or

- (c) if the matter has been under consideration by the board on a previous occasion or occasions and the board has resolved that there is no real or substantial reason why the member should not be present in the circumstances of the particular case.
- (3) For the purposes of this regulation—
- (a) **public company** means a public company as defined in section 9 of the *Corporations Law*; and
 - (b) a person has a substantial shareholding in a public company if—
 - (i) the person has a substantial shareholding in the company for the purposes of Part 6.7 of the *Corporations Law*; or
 - (ii) the person would have a substantial shareholding in the company for the purposes of Part 6.7 of the *Corporations Law* if the company were a company within the meaning of that Part.

5—Financial accommodation

Pursuant to section 21(1)(d) of the Act, SAHT is authorised to borrow money or obtain other forms of financial accommodation—

- (a) from another agent or instrumentality of the Crown; or
- (b) from a Commonwealth Department or instrumentality; or
- (c) under the terms of an intergovernmental agreement to which the State is a party.

6—Joint ventures

The following are prescribed for the purposes of section 21(3) of the Act:

- (a) a scheme or arrangement involving land owned or occupied by SAHT;
- (b) a scheme or arrangement that does not require SAHT to contribute (in total) more than \$100 000 in money or resources.

7—Mandatory provision in conditions of tenancy

Pursuant to section 44(2)(a) of the Act, an agreement between SAHT and a tenant setting out the conditions of the tenancy must contain a provision in a form approved from time to time by the Minister that allows SAHT to charge, as a component of the rent payable under the agreement, a premium if the income of the tenant exceeds an amount determined by SAHT from time to time and the tenant does not meet eligibility criteria determined by SAHT (from time to time)¹.

Note—

- 1 A provision inserted in an agreement under this regulation will not apply to a tenant who last applied for SAHT housing before 25 February 1998.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Formerly

South Australian Housing Trust (Administrative Arrangements) Regulations 1995

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1995	237	<i>Gazette 21.12.1995 p1808 (Erratum Gazette 18.1.1996 p382)</i>	1.1.1996: r 2
2000	17	<i>Gazette 2.3.2000 p1310</i>	6.3.2000: r 2
2005	173	<i>Gazette 28.7.2005 p2542</i>	31.7.2005: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 1	varied by 17/2000 r 3	6.3.2000
r 7	inserted by 17/2000 r 4	6.3.2000