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EDWARDI VIII REGIS.

A.D. 1936.

No. 2333.

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

[Assented to, 3rd December, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

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

Short title

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

Interpretation.

" chairman " means the chairman of the trust :

" lease " includes any agreement for a lease or any tenancy agreement :

" member " means member of the trust :

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

The Trust and its General Powers.

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

Establishment of trust.

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**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. 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
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 ;

(b) resigns by written notice given to the Treasurer ;

(c) without leave of the trust absents himself from three consecutive meetings of the trust ;

(d) becomes bankrupt or makes an assignment of his property for the benefit of his creditors or compounds with his creditors for less than twenty shillings in the pound :

(e) is convicted of any offence triable on information in the Supreme Court ; or

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(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.

9. No person shall be or continue to be chairman or a member of the trust if he has any interest, direct or indirect, in any contract made by the trust: Provided that a person shall not be disqualified from holding office as chairman or a member of the trust by reason only of the fact that he is a member of a company which is interested in any contract made by the trust if that company has thirty-two members or more.

Disqualification
for membership
of the trust.

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

Quorum.

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.

Validity of
acts 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 but the total amount of all fees or salaries so ordered shall not exceed two hundred pounds per annum.

Remuneration
of the trust.

(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.

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

Staff of the
trust.

(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.

14. The trust shall not be a department of the Government of the State or the agent or servant of the Crown nor shall the chairman, or any member or employee of the trust be subject as such, to the Public Service Act, 1936.

Relation of
the trust to
the Crown.

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.

Liability of
members.

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- 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.
- Quinquennial 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.** For the purposes of, and subject to, this Act the trust may—
- (a) borrow money for the purpose of building houses of group A at any rate of interest not exceeding four per centum per annum :
- (b) mortgage, charge, or enter into any other transaction for making any of its property security for any loan :
- (c) buy, sell, let, hire, or otherwise dispose of real and personal property of any kind :
- (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 :

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- (e) convert buildings into houses :
- (f) let houses and exercise in relation to any houses of the trust any power which a landlord has by statute or otherwise :
- (g) insure any property belonging to the trust :
- (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.

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

Exemption of gifts from succession duty.

Provision of Dwelling-Houses.

22. (1) The houses to be built by the trust under this Act shall be of two groups, group A and group B.

Classes of dwelling houses.

(2) The houses of group A shall be those paid for from moneys in Housing Trust Fund No. 1, and the houses of Group B shall be those paid for from moneys in Housing Trust Fund No. 2.

23. (1) The money of the trust shall be held by the Treasurer and shall be divided into two funds called respectively " Housing Trust Fund No. 1 " and " Housing Trust Fund No. 2 ".

Housing trust funds.

(2) The Housing Trust Fund No. 1 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 of group A :
- (c) all other moneys arising out of transactions of the trust in relation to houses of group A :

(3) The Housing Trust Fund No. 2 shall consist of—

- (a) all moneys given to the trust or realised from the sale or investment of any gifts made to the trust :
- (b) all rents and other moneys paid by tenants of houses of group B ; and
- (c) all other moneys arising from transactions of the trust in relation to houses of group B.

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Expenditure
on construc-
tion of
houses.

24. The trust may expend—

- (a) the moneys in Housing Trust Fund No. 1 on the provision of houses of group A ; and
- (b) the moneys in Housing Trust Fund No. 2 on the provision of houses of group B.

Cost of
houses.

25. The cost of any house built under this Act (including the cost of the site of the house, the fences, and the sewerage) shall not exceed—

- (a) if the house is of group A, four hundred and fifty pounds :
- (b) if the house is of group B, three hundred and fifty pounds.

Letting of
houses.

26. Subject to this Act the trust may—

- (a) let any house constructed under this Act for any period not exceeding five years with such rights of renewal from time to time for further periods not exceeding five years 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 of
group A.

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

- (a) The trust shall not let any house of group A to any person whose weekly income at the time when the lease is applied for exceeds four pounds ten shillings :
- (b) The trust shall not let any house of group A to any person who at the time of applying for the lease owns a dwelling house :
- (c) The trust shall not let any house of group A at a rent exceeding twelve shillings and sixpence per week : Provided that the trust may stipulate for rent at a higher rate in any case where the rent is not paid on, or within a specified period after, the due date.

(2) In computing the income of any person for the purposes of this section, the income of the spouse of that person (if living with him or her) and any of the children of that person living with him or her shall be reckoned as part of that person's income.

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28. (1) With respect of the letting of houses of group B the following provisions shall apply :—

Restrictions
on letting of
houses of
group B.

- (a) The trust shall not let any house of group B to any person whose weekly income at the time when the lease is applied for exceeds the living wage :
- (b) The trust shall not let any house of group B to any applicant unless it is satisfied that that applicant cannot otherwise obtain a home :
- (c) The trust shall not let any house of group B at a rent exceeding ten shillings per week.

(2) In computing the income of any person for the purposes of this section the income of the spouse of that person (if living with him or her) and of any of the children of that person living with him or her shall be regarded as part of that person's income.

(3) In this section " living wage " means six times the living wage per day for male adult employees as last previously declared under the Industrial Code, 1920, for the area in which the particular house is situated.

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.

Power to sell
houses.

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

30. The trust may out of the money in Housing Trust Fund No. 2 and on such terms and conditions as it determines make gifts or loans of materials or money to assist persons with small incomes to provide homes for themselves.

Gifts or loans
to persons
of small
income.

31. (1) For the purposes of this Act the Treasurer may arrange for not more than twenty-five thousand pounds to be borrowed in accordance with the Financial Agreement on behalf of the State.

Financial
provision.

(2) The Treasurer may lend any money so borrowed to the Trust for such period and on such terms and at such rate of interest not exceeding four per cent. per annum as are mutually agreed upon between the Treasurer and the Trust.

(3) This Act without any other appropriation shall be sufficient authority for the Treasurer to make any such loan.

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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 ten pounds for breach of any regulation under this Act.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

W. DUGAN, Governor.