



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 78 of 1973

An Act to amend the South Australian Housing Trust Act, 1936-1971, and the Housing Improvement Act, 1940-1971.

[Assented to 6th December, 1973]

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

PART I

PART I

PRELIMINARY

Short title and arrangement.

1. (1) This Act may be cited as the "Statutes Amendment (South Australian Housing Trust and Housing Improvement) Act, 1973".

(2) This Act is arranged as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936-1971.

PART III—AMENDMENT OF HOUSING IMPROVEMENT ACT, 1940-1971.

PART II

AMENDMENT OF SOUTH AUSTRALIAN HOUSING TRUST
ACT, 1936-1971

2. (1) The South Australian Housing Trust Act, 1936-1971, as amended by this Act, may be cited as the "South Australian Housing Trust Act, 1936-1973". Short title.

(2) The South Australian Housing Trust Act, 1936-1971, is in this Part referred to as "the principal Act".

3. Section 5 of the principal Act is amended by striking out the word "The", being the first word of that section, and inserting in lieu thereof the passage "Except as provided in the Housing Improvement Act, 1940, as amended, and subject to that Act, the". Amendment of principal Act, s. 5—
Members of trust.

4. Section 8 of the principal Act is amended—

(a) by striking out from paragraph (d) of subsection (2) the passage "twenty shillings in the pound" and inserting in lieu thereof the passage "one hundred cents in the dollar";

and

(b) by inserting in paragraph (e) of subsection (2) after the passage "Supreme Court" the passage "or a District Criminal Court".

Amendment of principal Act, s. 8—
Removal from and vacancy in office.

5. Section 12 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "but the total amount of all fees or salaries so ordered shall not exceed two hundred pounds per annum";

and

(b) by inserting after subsection (1) the following subsection:—

(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.

Amendment of principal Act, s. 12—
Remuneration of the trust.

PART II

Amendment of
principal Act,
s. 13—
Staff of the
trust.

6. Section 13 of the principal Act is amended—

- (a) by striking out from subsection (3) the passage “Housing Improvement Act, 1940-1943, or of section 11 of the Landlord and Tenant (Control of Rents) Act, 1942,” and inserting in lieu thereof the passage “Housing Improvement Act, 1940, as amended,”;
- (b) by striking out from paragraph I of subsection (3) the passage “section 75 of the Public Service Act, 1936-1945,” and inserting in lieu thereof the passage “section 90 of the Public Service Act, 1967, as amended,”;
- (c) by striking out from paragraph II of subsection (3) the passage “Superannuation Act, 1926-1942,” firstly occurring, and inserting in lieu thereof the passage “Superannuation Act, 1969, as amended, or any other corresponding previous or subsequent enactment,”;
- (d) by inserting in paragraph II of subsection (3) after the word “Act” thirdly occurring the passage “or enactment, as the case may be”;
- (e) by striking out from paragraph II of subsection (3) the passage “the Superannuation Act, 1926-1942”, lastly occurring, and inserting in lieu thereof the passage “that Act or enactment, as the case may be”;

and

- (f) by striking out from paragraph III of subsection (3) the passage “Public Service Act, 1936-1945,” and inserting in lieu thereof the passage “Public Service Act, 1967, as amended,”.

7. Section 13a of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “Superannuation Fund constituted under the Superannuation Act, 1926-1942,” and inserting in lieu thereof the passage “South Australian Superannuation Fund continued in existence under the Superannuation Act, 1969, as amended, or by any subsequent Act,”;
- (b) by striking out from subsection (1) the passage “Housing Improvement Act, 1940-1943,” and inserting in lieu thereof the passage “Housing Improvement Act, 1940, as amended,”;

and

- (c) by striking out subsection (2).

Amendment of
principal Act,
s. 13a—
Provision of
superannuation
benefits to
officers of the
trust.

Amendment of
principal Act,
s. 14a—
Application of
Public Service
Act.

- 8. Section 14a of the principal Act is amended by striking out the passage “Public Service Act, 1936-1941” and inserting in lieu thereof the passage “Public Service Act, 1967, as amended”.

9. Section 20 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage "of group A at any rate of interest not exceeding four per centum per annum" and inserting in lieu thereof the passage "at such rate of interest as the Treasurer may from time to time authorize".

Amendment of principal Act, s. 20—
General powers of the trust.

10. Section 20a of the principal Act is amended by striking out from subsection (1) the passage "Housing Improvement Act, 1940-1950," and inserting in lieu thereof the passage "Housing Improvement Act, 1940, as amended,".

Amendment of principal Act, s. 20a—
Power of trust to issue debentures.

11. Section 22 of the principal Act is repealed.

Repeal of s. 22 of principal Act.

12. Section 23 of the principal Act is amended—

Amendment of principal Act, s. 23—

(a) by striking out subsection (1) and inserting in its place the following subsection:—

The South Australian Housing Trust Fund.

(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.;

(b) by striking out from subsection (2) the passage "Housing Trust Fund No. 1" and inserting in lieu thereof the passage "South Australian Housing Trust Fund";

(c) by striking out from paragraph (b) and from paragraph (c) of subsection (2) the passage "of group A" and inserting in lieu thereof in each case the passage "owned by the trust";

and

(d) by striking out subsection (3).

13. Section 24 of the principal Act is repealed.

Repeal of s. 24 of principal Act.

14. Section 24a of the principal Act is amended—

Amendment of principal Act, s. 24a—

(a) by striking out from subsection (2) the passage "Housing Improvement Act, 1940-1947" and inserting in lieu thereof the passage "Housing Improvement Act, 1940, as amended";

Amalgamation of funds.

(b) by striking out from subsection (3) the passage "every reference in this Act to the Housing Trust Fund No. 1 and";

(c) by striking out from subsection (3) the passage "Housing Improvement Act, 1940-1947," wherever it occurs and inserting in lieu thereof in each case the passage "Housing Improvement Act, 1940, as amended,";

and

(d) by inserting after subsection (3) the following subsection:—

(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.

Repeal of s. 25
of principal
Act.

15. Section 25 of the principal Act is repealed.

Amendment of
principal Act,
s. 26—
Letting of
houses.

16. Section 26 of the principal Act is amended by striking out from paragraph (a) the passage "any period not exceeding five years with such rights of renewal from time to time for further periods not exceeding five years" and inserting in lieu thereof the passage "such periods".

Amendment of
principal Act,
s. 27—
Restrictions on
letting of
houses.

17. Section 27 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "of group A" firstly occurring;

(b) by striking out paragraph (a) of subsection (1);

(c) by striking out from paragraph (b) of subsection (1) the passage "of group A" wherever it occurs;

(d) by striking out from paragraph (c) of subsection (1) the passage "the houses of group A" and inserting in lieu thereof the word "houses";

(e) by striking out the proviso to paragraph (c) of subsection (1);
and

(f) by striking out subsections (2) and (3).

Repeal of ss. 28,
28a, 28b, 30
and 31 of
principal Act.

18. Sections 28, 28a, 28b, 30 and 31 of the principal Act are repealed.

Amendment of
principal Act,
s. 32—
Regulations.

19. Section 32 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".

20. The schedule to the principal Act is amended—

(a) by striking out subparagraph (1) of paragraph 1 and inserting the following subparagraph in lieu thereof:—

(1) For the purposes of this schedule—

“the board” means the South Australian Superannuation Fund Board;

“the fund” means the South Australian Superannuation Fund;

(b) by striking out from subparagraph (3) of paragraph 2 the passage “Superannuation Act, 1926-1942,” and inserting in lieu thereof the passage “Superannuation Act, 1969, as amended, or under any corresponding previous or subsequent enactment, whichever benefits are appropriate to his case,”;

(c) by inserting in subparagraph (3) of paragraph 2 after the word “Act” secondly occurring the passage “or enactment, as the case may be,”;

(d) by inserting in subparagraph (3) of paragraph 2 after the word “Act” lastly occurring the passage “or enactment, as the case may be”;

(e) by striking out paragraph 4;

(f) by striking out from subparagraph (1) of paragraph 5 the passage “Division IV of Part IV of the Superannuation Act, 1926-1942,” and inserting in lieu thereof the passage “Division 4 of Part III of the Superannuation Act, 1969, as amended, or pursuant to any corresponding previous or subsequent enactment,”;

(g) by striking out from subparagraph (2) of paragraph 5 the passage “Superannuation Act, 1926-1942,” wherever it occurs, and inserting in lieu thereof in each case the passage “Superannuation Act, 1969, as amended, or any corresponding previous or subsequent enactment,”;

(h) by striking out paragraph 6 and inserting in lieu thereof the following paragraph:—

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.;

(i) by striking out from paragraph 8 the passage "Superannuation Act, 1926-1942," and inserting in lieu thereof the passage "Superannuation Act, 1969, as amended, or any corresponding previous or subsequent enactment,";

(j) by striking out from subparagraph (1) of paragraph 9 the passage "Superannuation Act, 1926-1942," and inserting in lieu thereof the passage "Superannuation Act, 1969, as amended, and with every corresponding previous and subsequent enactment, to the extent that such incorporation is necessary and appropriate,";

(k) by inserting in subparagraph (1) of paragraph 9 after the word "Act" lastly occurring the passage "or enactment, as the case may require,";

(l) by striking out from subparagraph (2) of paragraph 9 the passage "1926-1942," and inserting in lieu thereof the passage "1926, as amended, and of section 58 of the Superannuation Act, 1969, as amended, and of any corresponding subsequent enactment,";

and

(m) by striking out Part III thereof (including the heading thereto and paragraphs 10 and 11).

PART III

PART III

AMENDMENT OF HOUSING IMPROVEMENT
ACT, 1940-1971

21. (1) The Housing Improvement Act, 1940-1971, as amended by this Act, may be cited as the "Housing Improvement Act, 1940-1973". Short title.

(2) The Housing Improvement Act, 1940-1971, is in this Part referred to as "the principal Act".

22. Section 6 of the principal Act is amended by striking out the proviso to paragraph (d) of subsection (1). Amendment of principal Act, s. 6—
Constitution of Housing Trust.

23. Section 7 of the principal Act is amended by striking out the proviso to paragraph (f) of subsection (1). Amendment of principal Act, s. 7—
Constitution of body corporate to execute this Act.

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

M. L. OLIPHANT, Governor