

# SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936-1973

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## THE SCHEDULE

## SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936-1973

being

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

as amended by

South Australian Housing Trust Act Amendment Act, 1937, No. 2371 of 1937 [Assented to 15th December, 1937];  
 South Australian Housing Trust Act Amendment Act, 1940, No. 46 of 1940 [Assented to 28th November, 1940];  
 South Australian Housing Trust Act Amendment Act, 1942, No. 21 of 1942 [Assented to 12th November, 1942];  
 South Australian Housing Trust Act Amendment Act, 1946, No. 49 of 1946 [Assented to 19th December, 1946];  
 South Australian Housing Trust Act Amendment Act, 1947, No. 7 of 1947 [Assented to 2nd October, 1947];  
 South Australian Housing Trust Act Amendment Act, 1948, No. 10 of 1948 [Assented to 26th August, 1948];  
 South Australian Housing Trust Act Amendment Act, 1952, No. 50 of 1952 [Assented to 4th December, 1952];  
 Statute Law Revision Act, 1957, No. 42 of 1957 [Assented to 14th November, 1957];  
 South Australian Housing Trust Act Amendment Act, 1965, No. 48 of 1965 [Assented to 9th December, 1965];  
 South Australian Housing Trust Act Amendment Act, 1971, No. 67 of 1971 [Assented to 21st October, 1971];

and

Statutes Amendment (South Australian Housing Trust and Housing Improvement) Act, 1973, No. 78 of 1973 [Assented to 6th December, 1973].

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

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, 1936-1973".

Short title.  
Citation  
amended by 78,  
1973, s. 2 (1).

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:

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

Def. inserted by  
21, 1942, s. 2.

"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, subject to and in accordance with the directions of the Minister, with the duty of administering this Act.

Establishment  
of trust.  
S. 3 amended by  
48, 1965, s. 3.

Ministerial  
control.

S. 3a enacted by  
48, 1965, s. 4.

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.

S. 5 amended by  
78, 1973, s. 3.

5. Except as provided in the Housing Improvement Act, 1940, as amended<sup>1</sup>, 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;

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

Para. (c)  
substituted by  
21, 1942, s. 3.

(c) is absent from three consecutive meetings of the trust without leave granted by the Minister;

Para. (d)  
amended by 78,  
1973, s. 4 (a).

(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;

Para. (e)  
amended by 78,  
1973, s. 4 (b).

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

<sup>1</sup> Now Housing Improvement Act, 1940-1973.

(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.

Remuneration  
of the trust.  
Subsec. (1)  
amended by 78,  
1973, s. 5 (a).

(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<sup>1</sup>, and in force immediately before such order and determination takes effect shall be the fees and salaries of the chairman and members respectively.

Subsec. (1a)  
inserted by 78,  
1973, s. 5 (b).

(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.

(3) If pursuant to the provisions of this section or of section 10 of the Housing Improvement Act, 1940, as amended<sup>1</sup>, 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.

Subsec. (3)  
inserted by 49,  
1946, s. 2;  
amended by 78,  
1973, s. 6 (a)-(f).

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<sup>2</sup>, 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

Para. 1 amended  
by 78, 1973,  
s. 6 (b).

<sup>1</sup> Now Housing Improvement Act, 1940-1973.

<sup>2</sup> Now Public Service Act, 1967-1975.

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:

Para. II  
amended by 78,  
1973, s. 6 (c),  
(d), (e).

II. 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<sup>1</sup>, 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:

Para. III  
amended by 78,  
1973, s. 6 (f).

III. 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<sup>2</sup>, 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.  
S. 13a enacted  
by 49, 1946,  
s. 3.  
Subsec. (1)  
amended by 78,  
1973, s. 7 (a),  
(b).

13a. (1) Officers of the trust may, in accordance with the provisions of Part II of the schedule to this Act, become contributors to the South Australian Superannuation Fund continued in existence under the Superannuation Act, 1969, as amended<sup>1</sup>, 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<sup>3</sup>, in the provision of pensions to those officers.

Subsec. (2)  
struck out by 78,  
1973, s. 7 (c).

\* \* \* \* \*

Trust to hold  
certain property  
on behalf of  
Crown.  
S. 14 substituted  
by 21, 1942,  
s. 4;  
redesignated  
s. 14 (1) by 7,  
1947, s. 2.

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

Subsec. (2)  
inserted by 7,  
1947, s. 2.

(2) Notwithstanding the provisions of subsection (1) of this section, the trust shall, for the purposes of the Fences Act, 1924-1926<sup>4</sup>, 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.

<sup>1</sup> The Superannuation Act, 1969, and its amendments, have been repealed and superseded by the Superannuation Act, 1974.

<sup>2</sup> Now Public Service Act, 1967-1975.

<sup>3</sup> Now Housing Improvement Act, 1940-1973.

<sup>4</sup> The Fences Act, 1924-1926, has been repealed and superseded by the Fences Act, 1975.

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<sup>1</sup>.

Application of Public Service Act.  
S. 14a enacted by 21, 1942, s. 4; amended by 78, 1973, s. 8.

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.

Report to Minister.  
S. 14b enacted by 21, 1942, s. 4.

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.

Duty to furnish papers, etc.  
S. 14c enacted by 21, 1942, s. 4.

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

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.

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.

Accounts.

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.

Audit.

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

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.

Triennial investigation.

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.

Annual report.

(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.

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

General powers of the trust.  
S. 20 redesignated s. 20 (1) by 21, 1942, s. 5.  
Subsec. (1) amended by 67, 1971, s. 2; 78, 1973, s. 9.

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

Para. (a) amended by 78, 1973, s. 9.

(b) mortgage, charge, or enter into any other transaction for making any of its property security for any loan:

<sup>1</sup> Now Public Service Act, 1967-1975.

- (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:
  - (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:
  - (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.

Para. (h)  
amended by 67,  
1971, s. 2 (a).

Para. (j)  
inserted by 67,  
1971, s. 2 (b).

Subsec. (2)  
inserted by 21,  
1942, s. 5.

(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 of trust  
to issue  
debentures.  
S. 20a enacted  
by 50, 1952,  
s. 2.

Subsec. (1)  
amended by 78,  
1973, s. 10.

**20a.** (1) With the consent of the Treasurer the trust may for any purpose of this Act or of the Housing Improvement Act, 1940, as amended<sup>1</sup>, borrow money on the security of debentures issued by the trust.

(2) The trust may issue any such debentures.

(3) Any such debentures may confer on the holder thereof a mortgage or charge over any assets of the trust.

Inscribed  
debenture  
stock.  
S. 20b enacted  
by 50, 1952,  
s. 2.

**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.

<sup>1</sup> Now Housing Improvement Act, 1940-1973.

(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.

(10) Section 20c of this Act shall apply in relation to inscribed debenture stock in the same way as it applies to 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 issued by the trust.

Government guarantee of debentures.  
S. 20c enacted by 50, 1952, s. 2.

(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.

**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*

\* \* \* \* \*

S. 22 repealed by 78, 1973, s. 11.

**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.

The South Australian Housing Trust Fund.  
Subsec. (1) substituted by 78, 1973, s. 12 (a).

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

Subsec. (2) amended by 78, 1973, s. 12 (b),(c).

(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:

Para. (b) amended by 78, 1973, s. 12 (c).

(c) all other moneys arising out of transactions of the trust in relation to houses owned by the trust.

Para. (c) amended by 78, 1973, s. 12 (c).

\* \* \* \* \*

Subsec. (3) struck out by 78, 1973, s. 12 (d).



S. 24 repealed  
by 78, 1973,  
s. 13.

\* \* \* \* \*

Amalgamation  
of funds.  
S. 24a enacted  
by 10, 1948,  
s. 2.

**24a.** (1) Notwithstanding the provisions of this Act or the provisions of the Housing Improvement Act, 1940-1947<sup>1</sup>, 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".

Subsec. (2)  
amended by 78,  
1973, s. 14 (a).

(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<sup>1</sup>.

Subsec. (3)  
amended by 78,  
1973, s. 14 (b),  
(c).

(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<sup>1</sup>, 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<sup>1</sup>, shall be construed accordingly.

Subsec. (4)  
inserted by 78,  
1973, s. 14 (d).

(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<sup>1</sup>, 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.

S. 25 substituted  
by 2371, 1937,  
s. 3; 21, 1942,  
s. 6; repealed by  
78, 1973, s. 15.

\* \* \* \* \*

Letting of  
houses.

**26.** Subject to this Act the trust may—

Para. (a)  
amended by 78,  
1973, s. 16.

(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:—

Subsec. (1)  
amended by  
2371, 1937,  
s. 4 (1), (2); 21,  
1942, ss. 7, 8;  
78, 1973,  
s. 17 (a)-(e).

\* \* \* \* \*

Para. (a)  
amended by  
2371, 1937,  
s. 4 (1); struck  
out by 78, 1973,  
s. 17 (b).

(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

<sup>1</sup> Now Housing Improvement Act, 1940-1973.

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.

Para. (c) substituted by 2371, 1937, s. 4 (2); 21, 1942, s. 8; amended by 78, 1973, s. 17 (d), (e).

*	*	*	*	*	*	*	*	*	*	*	Subsec. (2) struck out by 78, 1973, s. 17 (f).
*	*	*	*	*	*	*	*	*	*	*	Subsec. (3) inserted by 2371, 1937, s. 4 (3); struck out by 78, 1973, s. 17 (f).
*	*	*	*	*	*	*	*	*	*	*	S. 28 repealed by 78, 1973, s. 18.
*	*	*	*	*	*	*	*	*	*	*	S. 28a enacted by 46, 1940, s. 3; amended by 21, 1942, s. 9; repealed by 78, 1973, s. 18.
*	*	*	*	*	*	*	*	*	*	*	S. 28b enacted by 21, 1942, s. 10; repealed by 78, 1973, s. 18.

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.

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.

Power of Trust to carry out conditions of gifts.

S. 29a enacted by 2371, 1937, s. 5.

*	*	*	*	*	*	*	*	*	*	*	Ss. 30, 31 repealed by 78, 1973, s. 18.
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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.

Regulations.  
S. 32 amended by 78, 1973, s. 19.

Sched. enacted  
by 49, 1946,  
s. 4.

## THE SCHEDULE

### PART I

#### PRELIMINARY

Subpara. (1)  
substituted by 78,  
1973, s. 20 (a).

#### 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 II

#### 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.

Subpara. (3)  
amended by 78,  
1973, s. 20 (b),  
(c), (d).

(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<sup>1</sup>, 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.

Para. 4 struck  
out by 78, 1973,  
s. 20 (e).

\* \* \* \* \*

Subpara. (1)  
amended by 78,  
1973, s. 20 (f).

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 III of the Superannuation Act, 1969, as amended<sup>1</sup>, 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.

Subpara. (2)  
amended by 78,  
1973, s. 20 (g).

(2) If any employee before becoming an employee of the trust was an employee within the meaning of the Superannuation Act, 1969, as amended<sup>1</sup>, 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<sup>1</sup>, or any corresponding previous or subsequent enactment, and as an employee of the trust and any other circumstances thought relevant by the Treasurer.

<sup>1</sup> The Superannuation Act, 1969, and its amendments, have been repealed and superseded by the Superannuation Act, 1974.

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<sup>1</sup>, or any corresponding previous or subsequent enactment—

Para. 6 substituted by 78, 1973, s. 20 (h).

(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.

Para. 7 amended by 42, 1957, s. 3 (2nd Sched.).

8. If any doubt or difficulty arises respecting the application to any person of this schedule or the Superannuation Act, 1969, as amended<sup>1</sup>, 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.

Para. 8 amended by 78, 1973, s. 20 (i).

9. (1) This schedule shall be construed as if it were incorporated with the Superannuation Act, 1969, as amended<sup>1</sup>, 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.

Subpara. (1) amended by 78, 1973, s. 20 (j), (k).

(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<sup>1</sup>, 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.

Subpara. (2) amended by 78, 1973, s. 20 (l).

\* \* \* \* \*

Part III (comprising heading and paras. 10, 11) struck out by 78, 1973, s. 20 (m).

<sup>1</sup> The Superannuation Act, 1969, and its amendments, have been repealed and superseded by the Superannuation Act, 1974.