



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 34 of 1975

An Act to make provision for suitable housing accommodation for teachers; to provide for the establishment of the South Australian Teacher Housing Authority; and for other purposes.

[Assented to 3rd April, 1975]

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.

1. This Act may be cited as the "Teacher Housing Authority Act, 1975".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement
of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—THE SOUTH AUSTRALIAN TEACHER HOUSING
AUTHORITY

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION III—STAFF, ETC

PART III—FINANCIAL PROVISIONS

PART IV—MISCELLANEOUS.

Interpretation.

4. In this Act, unless the contrary intention appears—

"the Authority" means the South Australian Teacher Housing Authority established under this Act:

"the Fund" means the South Australian Teacher Housing Authority Fund established under this Act:

“house” means any dwelling-house, or any building, or part of a building, suitable for use as a dwelling, and includes any land and fixtures appurtenant to any such dwelling-house or building:

“member” means a member of the Authority:

“the Minister” means the Minister of Education:

“teacher” means—

(a) a person who gives instruction in a school or institution under the control of the Minister;

or

(b) an officer of the Education Department or the Department of Further Education.

PART II

PART II

THE SOUTH AUSTRALIAN TEACHER HOUSING AUTHORITY

DIVISION I—ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

DIVISION I

5. (1) There shall be an Authority entitled the “South Australian Teacher Housing Authority”.

Establishment
and
incorporation
of the South
Australian
Teacher
Housing
Authority.

(2) The Authority—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable of suing and of being sued;

(c) shall be capable of holding, dealing with, and disposing of real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

and

(e) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

(3) Where a document purports to bear the common seal of the Authority, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Authority has been duly affixed to that document.

6. (1) The Authority shall consist of three members appointed by the Governor of whom—

Membership of
Authority.

(a) one shall be a person who is, in the opinion of the Minister, a suitable person to represent the interests of the Education Department and the Department of Further Education and is nominated by the Minister for appointment to the Authority;

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(b) one shall be a member or officer of the South Australian Housing Trust nominated by the Minister for appointment to the Authority;

and

(c) one shall be a person who is, in the opinion of the Minister, a suitable person to represent the interests of teachers, and is nominated by the Minister for appointment to the Authority after consultation with the South Australian Institute of Teachers.

(2) The Governor may appoint one member of the Authority to be Chairman of the Authority.

Terms and conditions upon which members hold office.

7. (1) A member of the Authority shall be appointed for such term of office, not exceeding four years, and upon such conditions as the Governor may determine and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint a suitable person to be a deputy of a member of the Authority, and such a person, while acting in the absence of that member, shall be deemed to be a member of the Authority, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(3) The Governor may remove a member of the Authority from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(4) The office of a member of the Authority shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Authority becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Authority becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances and expenses.

8. (1) A member of the Authority shall be entitled to receive such allowances and expenses as may be determined by the Governor.

(2) Any amount to which a member of the Authority is entitled under this section shall be paid out of the Fund.

9. (1) Two members of the Authority shall constitute a quorum of the Authority, and no business shall be transacted at a meeting unless a quorum is present.

(2) A decision in which any two members of the Authority concur shall be a decision of the Authority.

(3) The Chairman shall preside at any meeting of the Authority at which he is present, and in the absence of the Chairman from a meeting of the Authority, the members present shall decide who is to preside at that meeting.

(4) The Authority shall meet for the transaction of business at least eight times in each year.

(5) Subject to this Act, the business of the Authority shall be conducted in such a manner as the Authority determines.

10. (1) An act or proceeding of the Authority shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

Validity of acts of the Authority and immunity of its members.

(2) No liability shall attach to a member of the Authority for any act or omission by him, or by the Authority, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

11. (1) A member of the Authority who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Authority shall disclose the nature of his interest at a meeting of the Authority, and the disclosure shall be recorded in the minutes of the Authority.

Disclosure of interest.

(2) A member of the Authority who is in any way directly or indirectly interested in a contract or proposed contract made by, or in the contemplation of, the Authority shall not take part in any deliberations or decision of the Authority with respect to that contract.

12. (1) The Authority may delegate to any member, officer or employee of the Authority any of its powers or functions under this Act.

Power of delegation.

(2) Any such delegation shall be revocable at will and shall not derogate from the power of the Authority to act itself in any matter.

DIVISION II—POWERS AND FUNCTIONS OF THE AUTHORITY

DIVISION II

13. (1) The functions of the Authority are as follows:—

Functions of the Authority.

(a) to acquire (otherwise than by compulsory process) land, or any interest in land, for the purpose of housing;

(b) to manage, maintain and control houses and land of the Authority;

(c) to construct houses or cause houses to be constructed for the purposes of this Act;

(d) to provide, or arrange for the provision of, services to any houses or land owned by or under the control of the Authority;

and

(e) to perform such other functions as may conduce to the efficient administration of the affairs of the Authority.

(2) In the performance of its functions under this Act the Authority may, subject to this section—

- (a) sell, lease, sub-lease, mortgage, charge, encumber or otherwise deal with any land, or interest in land, that is the property of the Authority;
- (b) subdivide any land acquired by the Authority;
- (c) lay out and construct as streets or roads any land, or part of any land, acquired by the Authority and expend moneys on works and operations necessary for the purpose of rendering that land suitable for housing;
- (d) design, or cause to be designed, and determine any matters affecting the construction of, houses for letting to teachers;
- (e) construct, or cause to be constructed, on lands vested in or under the control of the Authority houses for letting to teachers in accordance with the provisions of this Act, or convert any existing buildings or structures into houses;
- (f) maintain, carry out any improvements to, and manage, property of the Authority, and land;
- (g) fix, on criteria approved by the Minister, rents payable by occupants of houses owned by or under the control of the Authority, and collect such rents;
- (h) exchange, upon such terms and conditions and subject to such restrictions, exceptions and reservations as the Authority thinks fit, land of the Authority for other land;
- (i) enter into arrangements and agreements with any person or body in regard to the building, maintenance, management or letting of houses;
- (j) make or cause to be made any inquiry, investigation or report that the Authority thinks necessary or expedient to make;
and
- (k) carry out all other undertakings required by this Act.

Power to
accept gifts.

14. (1) For the purposes of this Act, the Authority may—

- (a) accept any absolute gift, devise or bequest of real or personal property;
- or
- (b) with the consent of the Minister, accept any gift, devise or bequest of real or personal property subject to any trust the objects of which are not substantially different from those for which the Authority is established, and carry out and give effect to the objects of that trust.

(2) If the Authority receives any gift, devise or bequest for the purpose of assisting it to provide houses for teachers and that gift, devise or bequest is subject to any trust, condition or stipulation inconsistent with the provisions of this Act, the Authority may, notwithstanding the inconsistency, give effect to the trust, condition or stipulation if it otherwise is in accordance with law.

(3) No stamp duty, gift duty or succession duty shall be payable on any gift, devise or bequest to the Authority.

15. (1) Upon payment of consideration recommended by the Treasurer, the Minister shall transfer to the Authority all his interest in any land, which for the purpose of providing housing for teachers is held by him or under his control.

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DIVISION II
Minister to transfer lands.

(2) No stamp duty shall be payable upon any document executed by the Minister in the performance of his obligations under this section.

16. (1) The Minister may, where he is of the opinion that houses are required for teachers, request the Authority to allocate and provide houses for the accommodation of teachers.

Authority to provide housing at Minister's request.

(2) The Authority shall have regard to the submissions of the Minister and shall allocate in accordance with the Minister's request such houses as are available from time to time.

(3) Subject to this Act and any agreement binding upon the Authority, it may let any house or land that is not immediately required for the accommodation of a teacher to a person other than a teacher at such rent and upon such terms and conditions as it thinks fit.

DIVISION III—STAFF, ETC.

DIVISION III

17. (1) The Authority may with the approval of the Minister employ a secretary and any other officers whom it requires at such remuneration and under such conditions as it fixes.

Officers and employees.

(2) The Authority may on such terms and conditions as are agreed upon between the Minister and the South Australian Housing Trust make use of the services of any person employed by the South Australian Housing Trust.

(3) The Authority may on such terms and conditions as are agreed upon between the Minister and the Minister administering any Department of the public service make use of the services of any person employed in that Department.

PART III

PART III

FINANCIAL PROVISIONS

18. (1) The Authority may borrow money from the Treasurer or, with the consent of the Treasurer, from any other person for the purpose of carrying out any of its functions under this Act.

Power to borrow money.

(2) Any liability incurred with the consent of the Treasurer under subsection (1) of this section is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of this State which is hereby, to the necessary extent, appropriated accordingly.

(4) Before a guarantee is given by the Treasurer under this section, the Authority shall give to the Treasurer such security (if any) as the Treasurer requires.

PART III

**Establishment
and control of
the Fund.**

19. (1) A Fund shall be established at the Treasury entitled the "Teacher Housing Authority Fund".

(2) The funds available for the purpose of enabling the Authority to carry out its functions under this Act, and paid into the Fund shall consist of—

- (a)** moneys from time to time appropriated by Parliament for the purposes of this Act;
 - (b)** moneys paid to the Authority by the Government of the Commonwealth;
 - (c)** moneys borrowed by the Authority under the powers conferred by this Act;
 - (d)** moneys received by the Authority from rents derived from letting houses and from the disposal of houses and land pursuant to the provisions of this Act;
 - (e)** moneys received by way of gift;
 - (f)** any income derived by investment of the Fund;
- and
- (g)** any other moneys received by the Authority.

(3) The Fund shall be applied by the Authority in the administration of this Act.

(4) Subject to this Act the Authority may draw upon and otherwise deal with the Fund in such manner as may be approved by the Treasurer.

Budget.

20. (1) As soon as practicable after the commencement of this Act, the Authority shall present to the Minister estimates, in a form approved by the Minister, of its revenue and expenditure for the balance of the financial year in the course of which the estimates are presented and thereafter the Authority shall, before the commencement of each succeeding financial year, present to the Minister estimates, in a form approved by the Minister, of its revenue and expenditure for that financial year.

(2) The Minister may approve estimates presented to him pursuant to subsection (1) of this section or may direct or allow the Authority to amend the estimates before he approves thereof.

(3) The Authority shall not, without the consent of the Minister, make any expenditure that is not provided for in estimates that have been approved by the Minister under this section.

**Investment of
moneys in the
Fund.**

21. The Authority may, with the approval of the Treasurer, invest any of the moneys standing to the credit of the Fund that are not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

**Accounts and
audit.**

22. (1) The Authority shall cause proper accounts to be kept of its income and expenditure under this Act.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Authority.

23. (1) The Authority shall as soon as practicable after the thirtieth day of June in each year submit a report to the Minister on the conduct of the business of the Authority during the financial year ending on that day together with the audited accounts of the Authority for that financial year.

Report.

(2) The Minister shall as soon as practicable after receipt of the report and audited accounts cause copies of the report and accounts to be laid before both Houses of Parliament.

PART IV

PART IV

MISCELLANEOUS

24. (1) Where a tenancy agreement between the Authority and a teacher has been determined the Minister may pay to the Authority for such time as the house remains vacant (or such other time as agreed upon between the Minister and the Authority) such sum in lieu of rent as is agreed upon between the Minister and the Authority.

Vacant
tenancies.

(2) Moneys paid under this section shall be paid out of moneys provided by Parliament for the purpose.

25. (1) The Governor may make such regulations as are contemplated by this Act, or as he considers necessary or expedient for the purposes of this Act.

Regulations.

(2) The regulations may prescribe terms and conditions to be included in tenancy agreements made between the Authority and a teacher.

(3) Regulations made under this Act may provide for a penalty not exceeding one hundred dollars for breach of, or non-compliance with, any provision of any regulation.

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

M. L. OLIPHANT, Governor