

Act No. 7, 1912.

HOUSING.

An Act to provide for the purchase, resumption, and appropriation of lands, and for the construction and maintenance of certain buildings and works; for the use or disposal of such lands and buildings; to constitute a board for the above and other purposes, and a fund to meet the expenses of carrying out the above provisions; for purposes consequent thereon or incidental thereto; and to amend certain Acts. [4th April, 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short title.

1. This Act may be cited as the "Housing Act, 1912."

Definitions.

2. In this Act, unless the context requires another meaning,—

"Board" means Housing Board constituted by this Act.

"Buildings" means buildings, fences, and all improvements of a permanent nature.

"Fund" or "Housing Fund" means housing fund constituted by this Act.

"Minister" means Colonial Treasurer or any other Minister of the Crown, duly charged with the administration of this Act.

The Housing Board.

Constitution of board.

3. (1) The Governor may for the purposes of this Act constitute a board to be called the Housing Board.

(2) Such board shall consist of three members to be appointed by the Governor. Each such member shall hold his office for five years from the date of his appointment, but may resign such office, and may be removed from his office by the Governor. At any meeting of such board two members shall form a quorum.

(3) The Governor may appoint one of such members to be chairman of the board.

(4)

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(4) In case of the absence or illness of a member or of the chairman of the board, the Governor may appoint a deputy, who, during such absence or illness, shall have the powers of a member or of the chairman of the board.

(5) The board shall be a body corporate, and shall have a common seal.

Purchase or resumption of land.

4. For the purposes of and subject to the provisions of this Act, the Minister may, under the Public Works Act, 1900, and any Act amending the same, purchase, and the Governor may under the said Acts resume any land, and appropriate any land vested in His Majesty, or in any person in trust for His Majesty, including land resumed for any purpose whatsoever. Such purchase, resumption, or appropriation shall be deemed to be for an authorised work, and the Minister shall be deemed to be the Constructing Authority :

Provided that section twenty-eight of the Public Works Act, 1900, shall not apply in respect of the first expenditure of seventy-five thousand pounds on any buildings erected or works constructed in pursuance of this Act on any land which is now situate within the municipalities of Mascot and Botany, but shall apply to any subsequent expenditure.

Subdivision and setting apart of land.

5. The board shall cause a plan to be made of any land so purchased, resumed, or appropriated, showing the proposed roads and reserves and the land to be set apart as sites for buildings, or for religious, charitable, or municipal purposes, and shall submit the same, and any alterations in it, to the Minister for his approval.

6. The board, in pursuance of any such plan which has been approved by the Minister, may—

- (a) cause any work to be done on such land for the purpose of rendering it fit for the use to which it may be put under this Act ;
- (b) dedicate reserves for public recreation, or for other public purposes, and fence, plant, and improve such reserves ; and
- (c) set apart land as sites for buildings or for religious, charitable, or municipal purposes.

Building on land.

7. The Board may submit to the Minister proposals for erecting on any such land buildings for residential, business, or other purposes, or for public use, giving a description of the proposed buildings and their estimated cost.

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On any such proposal being approved by the Minister the board may erect the buildings, and shall be charged with the duty of maintaining and repairing them, and insuring them against loss by fire. The cost of erecting such buildings shall be charged to the Housing Fund: Provided that such cost shall not exceed the estimated cost submitted to the Minister by more than ten per centum.

Disposal of land and buildings.

Disposal of land and buildings.

8. The board may, in its discretion and subject to such conditions as it thinks fit, let on lease any such land, with the buildings thereon, for residential, building, or other purposes for any term not exceeding seven years, to any person qualified as hereinafter prescribed:

Rent.

Provided that the rent of all land and buildings so leased shall be not less than an amount sufficient to provide for—

- (a) interest at four per centum per annum on the capital value of the land and buildings;
- (b) the cost of insurance, rates, taxes, repairs, and maintenance;
- (c) the proportionate part of the expense of management which under this Act is payable out of the Housing Fund;
- (d) a sinking fund in respect of the capital cost of the buildings.

The board may sell any such land, with the buildings thereon, to any person qualified as hereinafter prescribed, upon such terms and conditions as it thinks fit and the Governor may approve:

Provided that—

- (1) no one person may purchase more than one house and the land reasonably required therewith not exceeding in area one quarter of an acre;
- (2) the buyer must satisfy the board that he is purchasing the land for his home or for the home of a member of his family;
- (3) the price shall not be less than the reasonable value ascertained by valuation through the Commissioners of the Government Savings Bank.
- (4) Notwithstanding the provisions of section ten, the purchaser must be of the age of twenty-one years, and also marriage shall not be a disqualification to a woman having a separate estate.

Lands not to be sublet.

9. Any lease shall be in writing and shall contain a proviso that the land and buildings or any part thereof shall not be sublet and the lease shall not be assigned without the leave of the board, all usual provisions, and such other provisions as the board thinks necessary.

Persons qualified.

10. The following persons are qualified under this Act:—

- (a) Any male person of or over the age of eighteen years who is not the owner of any land having any building thereon situate in New South Wales.
- (b)

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- (b) Any female person of or over the age of twenty-one years who is not the owner of any land having any building thereon situate in New South Wales and who is unmarried or widowed, or is married and living apart from her husband.

11. The Minister, on the recommendation of the board, may grant for any public hospital, charitable, or municipal purpose, and may, for religious purposes, set apart and sell for fair value any land purchased, resumed, or appropriated under this Act. Where the land is granted as a site for a building to be erected for any such purpose, a covenant shall be inserted in the grant that the building shall be erected within a specified time, according to plans and specifications approved by the board, and providing for forfeiture of the land on failure to observe such covenant. Such covenant shall run with the land and shall be enforced by the Minister if the board so recommends.

Grants for religious, charitable, or municipal purposes.

12. The board or the Minister on the recommendation of the board may accept a surrender of any land leased or granted under this Act.

Surrender of lands.

The land so surrendered may be disposed of by the board under this Act.

13. Where under this Act buildings are erected for public use, the board may let them on lease to any person, whether qualified under this Act or not so qualified, for such period and on such conditions as the board thinks fit: Provided that the rent shall be not less than that prescribed in this Act for buildings for residential or business purposes.

Powers of board with regard to buildings.

The Housing Fund.

14. The Minister shall set apart such sums of money as Parliament may provide to constitute a fund to be called the Housing Fund. Such fund shall be carried to a special account in the Treasury and be under the control of and shall be operated on by the board in pursuance of this Act. The account shall be kept in two divisions, namely, capital and revenue; moneys payable into or out of the fund shall be entered in the appropriate division of the account.

Fund.

The fund shall be charged interest, payable to the Consolidated Revenue Fund, on all moneys provided by Parliament as aforesaid, and paid into the Housing Fund. Such interest shall be at a rate to be fixed by the Minister, being approximately the average rate of interest paid for State loans.

15. All moneys received in respect of land and buildings sold or leased under the provisions of this Act shall be paid into the Housing Fund.

Moneys to be paid into fund.

16. (1) The fund shall be charged with—

Application and the fund.

- (a) the cost of any land purchased or resumed and the value of any land appropriated under this Act;

(b)

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- (b) interest and charges in relation to such purchase or resumption;
- (c) the costs and charges incurred in erecting and maintaining buildings as hereinbefore in this Act provided, and all other costs and charges incidental to such erection and maintenance;
- (d) the expense of letting on lease and collecting the rents of such land and buildings;
- (e) the proportionate part of the expense of management which is by this Act charged to the Housing Fund.

Repayment.

(2) The board may withdraw from the fund any amounts required for the repayment of sums provided by Parliament as aforesaid.

Resumed lands.

Management of lands purchased, resumed, or appropriated, otherwise than under this Act.

17. The Governor, by notification in the Gazette, may impose on the board the duty of managing any lands which have been purchased, resumed, or appropriated on behalf of His Majesty otherwise than under this Act, and which are not by statute or other authority placed in the charge of any other officer or public body, and may revoke or alter any such notification.

For the purpose of such management the board shall exclusively have the powers of a Constructing Authority under Division 6 of Part VI of the Public Works Act, 1900, and the Public Works (Leasing) Act, 1912.

Moneys received by the board in respect of such properties shall be paid into the Treasury and carried to such account as the Minister may direct.

The expenditure of the board in relation to such properties shall be defrayed from votes passed by Parliament.

Construction of other buildings by board.

Construction of other buildings.

18. The board may, at the request of the Commissioners of the Government Savings Bank, and on such terms as may be agreed upon—

- (a) construct any buildings for any person on any land out of moneys to be provided by the said person or by the said Commissioners;
- (b) act as agents for the said Commissioners in the management of any land and any buildings thereon;
- (c) purchase from the said Commissioners land and buildings, and sell the same or let them on lease for such periods and on such conditions as the board thinks fit. The expenditure of the board for or in connection with such purchase shall be defrayed from the Housing Fund, and the proceeds of such sale or leasing shall be paid into such fund.

Apportionment

*Housing (No. 2).**Apportionment of expense of management.*

19. The expense of management under this Act—that is to say, the fees of the board and the salaries of officers and servants, and all office and other minor expenses—shall each year be apportioned by the Minister approximately as follows:—

- (a) There shall be charged to the Consolidated Revenue Fund a part of such expense proportionate to the value of the land managed by the board under section seventeen.
- (b) There shall be charged to the Housing Fund a part of such expense proportionate to the value of any land managed by the board under any other provisions of this Act.

Such expense shall, in the first place, be paid from the Housing Fund, and payment to such fund shall be made out of the Consolidated Revenue Fund of the amount charged to that fund under this section.

Accounts of the board.

20. (1) The board shall keep a proper account of all moneys received and expended by it.

(2) The board shall not in any public accounts be charged with the value of any land which has been purchased, resumed, or appropriated for the purposes of this Act and dedicated as a reserve for public recreation or for other public purposes, or set apart for charitable or municipal purposes.

Statements to be laid before Parliament.

21. The board shall also, as soon as practicable after the close of each financial year, prepare and forward to the Minister a statement for that year, showing—

- (a) the moneys expended during such year under this Act in acquiring land, and in preparing the same for buildings and in erecting buildings, and the value of lands appropriated;
- (b) the number of buildings erected, and the number let;
- (c) the rentals contracted for, the amount of rent received, and of arrears outstanding;
- (d) the moneys expended and received by the board in respect of undertakings and institutions of public use or convenience conducted or managed by it under this Act;
- (e) the moneys otherwise expended under this Act, including the fees of the board and the salaries, wages, and other expenses of the officers and servants appointed under this Act.

The Minister shall lay such statement, or cause it to be laid, before both Houses of Parliament within six weeks from the expiration of the financial year.

Officers.

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*Officers.*Appointment of
officers.

22. The Governor shall appoint a manager, who shall be the executive officer of the board, and such other officers and servants as are necessary for the purposes of this Act. The provisions of the Public Service Act, 1902, and any Act amending the same, shall apply to any such officers. The salaries and wages of such officers and servants shall be paid from the Housing Fund.

*Regulations.*Publication of
regulations.

23. (1) The board may, subject to the conditions hereinafter contained, make regulations for carrying out the provisions of this Act.

(2) Regulations made under this Act, on being approved by the Governor and published in the Gazette, shall, if not disallowed as hereinafter provided, and if not repugnant to this Act, have the force of law.

(3) All such regulations on being gazetted shall be laid before both Houses of Parliament within fourteen days if Parliament is then sitting, and, if not sitting, then within fourteen days after the next meeting of Parliament. But if either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.