

# HOUSING OF THE UNEMPLOYED ACT.

Act No. 4, 1934.

George V,  
No. 4, 1934.

An Act to constitute a Homes for Unemployed Trust, and to define its powers, authorities, duties, and functions; and for purposes connected therewith. [Assented to, 29th June, 1934.]

**B**E 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:—

## PART I.

### PRELIMINARY.

Short title. **1.** This Act may be cited as the "Housing of the Unemployed Act, 1934."

**2.**

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2. This Act is divided into Parts as follows:—

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Division  
into Parts.

PART I.—PRELIMINARY.

PART II.—HOMES FOR UNEMPLOYED TRUST.

PART III.—POWERS AND FUNCTIONS OF THE TRUST.

PART IV.—FINANCE.

PART V.—GENERAL.

SCHEDULE.

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

Definitions.  
cf. Act No. 7, 1912, s. 2.

“Buildings” includes fences and any improvements of a permanent nature.

“Lessee” means a person who has entered into a lease with the trust, and includes the permitted assigns and under-lessees of any such person.

“Prescribed” means prescribed by this Act or the regulations.

“Purchaser” means a person who has entered into an agreement with the trust for the purchase of a home and the permitted assigns of any such person.

“Trust” means the Homes for Unemployed Trust.

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### PART II.

#### HOMES FOR UNEMPLOYED TRUST.

4. (1) There shall be a trust to be called the Homes for Unemployed Trust.

Homes for  
Unemployed  
Trust.

(2) The trust shall consist of the Minister, who shall be chairman of the trust, and eight members appointed by the Governor.

(3) The trust shall be a body corporate with perpetual succession and a common seal, and shall be capable of purchasing, holding, granting, demising, disposing

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(4) The provisions of the Public Service Act, 1902, shall not apply to the appointment of members of the trust.

**Chairman and members not to receive remuneration.** **5.** The chairman and members of the trust shall not be entitled to receive any salary, fee, allowance, or remuneration for services as members of the trust; but shall be entitled to receive travelling expenses at a rate prescribed.

**Officers.** **6.** (1) The trust may, with the approval of the Minister of the department concerned, make use of the services of any of the officers and employees of the Public Service including the police force.

Where the Minister gives a general consent referring to any class of employees, that consent shall continue until revoked by the Minister and shall refer to all members of such class.

(2) The Governor may, upon the recommendation of the Public Service Board, appoint such officers of the Public Service as may be deemed necessary to assist the trust in the execution of this Act.

**PART III.****POWERS AND FUNCTIONS OF THE TRUST.**

**Functions of the trust.** **7.** The trust constituted under this Act shall be charged with the duties and obligations imposed by this Act. It shall provide assistance to unemployed persons and other persons in necessitous circumstances for the purchase or leasing, under this Act, of homes for such persons and their families.

**Powers of trust.** **8.** (1) The trust may—  
 (a) purchase or lease any land;  
 (b) supply building materials to any unemployed person or other person in necessitous circumstances for the erection, repair or improvement  
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of a building used or intended to be used as a home for such person and his family, or advance money to any such person for the purchase of building material to be utilised for the like purposes;

- (c) pay, for and on behalf of any unemployed person or other person in necessitous circumstances, any rates, taxes or Crown dues upon land owned by such person upon which is a dwelling-house used by him as a home for himself and his family, or any insurance premiums or the cost of repairs or other disbursements in respect of any such dwelling-house;
- (d) pay, for and on behalf of any unemployed person or other person in necessitous circumstances, the whole or part of any rent payable by such person in respect of a dwelling-house used by such person as a home for himself and his family;
- (e) pay, for and on behalf of any unemployed person or other person in necessitous circumstances, the whole or part of any interest or instalments of principal or of principal and interest due by him in respect of any mortgage of a dwelling-house owned by him and used by such person as a home for himself and his family.
- (f) supply building materials or advance money for the purchase of building materials to any organisation or person to be used by such organisation or person for the erection, repair or improvement of buildings used or intended to be used by any unemployed person or other person in necessitous circumstances as a home for himself and his family;
- (g) give any assistance or conduct any operations ancillary to the objects referred to in this section and in sections seven and nine of this Act.

(2) Where the trust advances money to any person pursuant to paragraph (b) of subsection one of this section, it shall take security for—

- (a) the application of the money for the purpose referred to in the request for the advance;
- (b)

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(b) the utilisation of the materials, to the satisfaction of the trust, for the purposes stated in such request.

Further powers of the trust.

**9.** (1) The trust may erect buildings on any land vested in or leased by it, and may let any such building to any unemployed person or other person in necessitous circumstances or permit any such person to use the same as a home for himself and his family, or may lease or sell any such land in accordance with this section.

cf. Act No. 7, 1912, s. 8(1).

(2) (a) The trust may lease any such land, with the buildings thereon, for any term not exceeding seven years to any unemployed person or other person in necessitous circumstances.

cf. *Ibid.* s. 8 (3).

(b) Any lease under this section shall be made to take effect in possession not later than three months after the date of execution of the lease.

cf. *Ibid.* s. 9.

(c) Any such 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 consent of the trust, and such other covenants and conditions as the trust may think fit.

cf. *Ibid.* s. 10.

(3) The trust may by public auction or private contract sell any land vested in the trust upon such terms and conditions as it thinks fit.

Surrender of lands. *Ibid.* s. 12.

**10.** (1) The trust may accept a surrender of any land leased under this Act.

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

(2) The trust may agree to cancel any contract of sale made under this Act.

(3) The trust may, if it thinks fit, pay to the person surrendering any land leased, or to the purchaser upon the cancellation of a contract of sale, such sum by way of compensation for any visible and effective improvements on the land, but not exceeding the value of the improvements at the date of such surrender or cancellation, the cost of which has not been defrayed or advanced by the trust as to the trust may seem just.

(4) The trust may also in its discretion repay to a purchaser upon the cancellation of a contract of sale  
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the whole or such proportion as it thinks fit of the purchase money of the land which has been paid by the purchaser under this Act.

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**11.** (1) The trust may—

Power to remit, extend times, etc. Act No. 7, 1912, s. 13.

- (a) remit any part of the amount due under any contract of sale of land or land and buildings;
- (b) extend the period provided for payment of any purchase money for such time as the trust thinks fit.

(2) The trust may make and impose charges in connection with temporary services of water supply, lighting, or sewerage provided for houses built and sold or leased under this Act to recoup the expenses incurred in connection therewith or in connection with guarantees given in respect thereof.

Water supply, lighting, and sewerage services.

**12.** All moneys received in respect of land and buildings sold or leased under the provisions of this Act shall be paid into the Homes for Unemployed Account.

Moneys to be paid into account. *Ibid.* 15.

**13.** The trust shall have power to acquire by gift, devise or bequest any property for any of the purposes of this Act, and to agree to the condition of any such gift, devise or bequest.

Power to accept gifts, etc.

**14.** The Colonial Treasurer may from time to time advance to the trust out of funds provided by Parliament such sums at such rate of interest and upon such terms and conditions as to repayment as the Governor may approve.

Colonial Treasurer, advances by.

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## PART IV.

### FINANCE.

**15.** (1) There shall be constituted an account in Special Deposits Account to be called the Homes for Unemployed Account.

Homes for Unemployed Account.

(2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

**16.**

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account.  
cf. Act No.  
41, 1919,  
s. 107.**16.** (1) The account shall consist of—

- (a) all moneys advanced to the trust by the Colonial Treasurer or provided by Parliament for the purposes of the trust;
- (b) all moneys received by the trust, whether as repayments or interest in respect of moneys advanced by the trust or paid by it for and on behalf of any person or otherwise;
- (c) all moneys directed by or under this Act to be allocated to the account.

Application  
of account.

(2) The account may be applied to any of the following purposes:—

- (a) the administrative expenses of the trust;
- (b) the making of advances and the payment of moneys in accordance with and for the purposes of this Act;
- (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

Accounts.

**17.** The trust shall cause to be kept proper books of account, and shall, as soon as practicable after the thirty-first day of December in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the trust.

Audit.

**18.** (1) The accounts of the trust shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the Chairman and members of the trust and its officers in the same manner as it applies to accounting officers of public departments.

(2) The Auditor-General shall report to the trust and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of income; and
- (ii)

- (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and
- (iii) any of the moneys or other property of the trust have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.
- (3) Towards defraying the cost and expenses of such audit, the trust shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

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Costs of audit.

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PART V.

GENERAL.

**19.** The provisions of the Schedule to this Act shall be deemed and taken to have the same force and effect as if contained herein.

Operation and effect of Schedule.

**20.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are required or authorised to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

(2) The regulations may prescribe penalties not exceeding in any case fifty pounds for any contravention or breach of a regulation.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.



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If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Sec. 19.

## THE SCHEDULE.

## THE TRUST.

Quorum.

1. (1) Three members shall form a quorum of the trust, and shall have and may exercise and perform the powers, authorities, functions and duties which by any Act or means whatsoever are vested in or imposed upon the trust.

Validity of proceedings and acts.

(2) No proceeding or act of the trust shall be invalidated or illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding or act.

Chairman to preside at meeting.

2. (1) At any meeting of the trust the chairman, if present, shall preside.

(2) When the chairman is not present at any meeting a member of the trust selected for the purpose by the members present shall preside at such meeting.

Casting vote.

(3) The chairman or member presiding at a meeting shall, in the event of an equal division of votes thereat, have a second or casting vote.

Minutes.

3. The trust shall keep minutes of all its proceedings.

Governor to have reports, etc., from the trust.

4. The trust shall furnish the Governor with—

(a) all such reports, documents, papers and minutes as are required by Parliament pursuant to any Act or pursuant to any order of either House of Parliament; and

(b) full information on all business of the trust which the Governor may require.

Annual report.

5. The trust shall make an annual report of its proceedings to the Governor for presentation to Parliament.

The seal.

6. The common seal shall be kept in the custody of such member of the trust as the trust shall decide and shall not be affixed to any instrument except in pursuance of a resolution of the trust.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two members of the trust.

## LEGAL PROCEEDINGS, EVIDENCE, ETC.

Judicial notice of common seal.

7. All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the trust affixed to any instrument, and shall, where the instrument purports to have been executed in accordance with clause six of this Schedule, presume that such seal was properly affixed thereto.

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8. Any notice, summons, writ or other proceeding required to be served upon the trust may be served by being left at the office of the trust.

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Service of notices and legal proceedings. Documents how authenticated.

9. Every notice, order, summons or other like document requiring authentication by the trust may be sufficiently authenticated without the seal of the trust if signed by the chairman.

10. (1) In any legal proceeding by or against the trust no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.

- (a) the constitution of the trust;
- (b) any resolution of the trust;
- (c) the appointment of any member of the trust, or of any officer of the trust; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the trust.

(2) The production of—

- (a) a copy of the Gazette containing any regulation or notice purporting to have been made or given under any of the provisions of this Act or the regulations, or
- (b) a copy purporting to be a true copy of any such regulation or notice certified as such under the hand of the chairman

Evidence of regulations, etc.

shall be evidence until the contrary is proved of the due making, existence, confirmation, approval, and giving of such regulation or notice, and of all preliminary steps necessary to give full force and effect to the same.

11. All documents whatever purporting to be issued or written by or under the direction of the trust and purporting to be signed by the chairman shall be received as evidence in all courts and before all persons acting judicially within New South Wales, and shall without proof be deemed to have been issued or written by or under the direction of the trust until the contrary is shown.

Evidence of documents issued by the trust.

12. No matter or thing done by the trust or by any officer or other person appointed or employed by the trust, if done bona fide in the exercise of his powers or in the performance of his duties under this Act, shall subject the chairman or any member of the trust or officer, or other person, to any personal liability in respect thereof.

Protection of trust, officers, etc.