

*State Housing Acts, Etc., Amendment Act.* 13 GEO. VI. No. 39.

## GASFITTING, WATER SUPPLY, AND SEWERAGE

See LOCAL AUTHORITIES.

### HOUSING.

13 GEO. VI  
NO. 39.  
THE STATE  
HOUSING ACTS  
AND ANOTHER  
ACT  
AMENDMENT  
ACT OF 1949.

**An Act to Encourage Workers to Save for the purpose of Building Homes, to Assist Workers who so Save, and to provide Free Insurance covering Workers against the Risk of Death before Completing Payment for their Homes, and for those purposes to Amend "The State Housing Acts, 1945 to 1948," and "The Workers' Homes Acts, 1919 to 1934," each in certain particulars.**

[ASSENTED TO 28TH OCTOBER, 1949.]

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

PART I.—  
PRELIMINARY.

Short title.

PART I.—PRELIMINARY.  
1. This Act may be cited as "*The State Housing Acts and Another Act Amendment Act of 1949.*"

Parts of Act.

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

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF \*"THE STATE HOUSING ACTS, 1945 TO 1948" ;

PART III.—AMENDMENTS OF †"THE WORKERS' HOMES ACTS, 1919 TO 1934."

PART II.—  
AMENDMENTS  
OF "THE  
STATE  
HOUSING  
ACTS, 1945 TO  
1948."

PART II.—AMENDMENTS OF \*"THE STATE HOUSING ACTS, 1945 TO 1948."

Construction  
of Part II.  
and  
collective  
title.

3. This Part II. of this Act shall be read as one with \*"*The State Housing Acts, 1945 to 1948,*" and that Act and this Part may be collectively cited as "*The State Housing Acts, 1945 to 1949.*"

\* 9 G. 6 No. 24 and amending Acts.

† 10 G. 5 No. 7 and amending Acts.

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PART II.—  
AMENDMENTS  
OF “THE  
STATE  
HOUSING  
ACTS, 1945 TO  
1948.”

4. Section three of \**“The State Housing Acts, 1945 to 1948,”* is amended by inserting after the words and figure “PART IV.—SALE OF HOUSES UNDER CONTRACT OF SALE” the words and figure PART IV.A—ENCOURAGEMENT AND AID IN BUILDING HOUSES ;”—

Amendment  
of s. 3 of  
9 Geo. VI.  
No. 24.

5. Section twenty-three of \**“The State Housing Acts, 1945 to 1948,”* is amended—

Amendments  
of s. 23 of  
9 Geo. VI.  
No. 24.

(a) By repealing the words “sixteen shillings” where those words appear in subsection three thereof and by inserting, in lieu of those repealed words, the words “seventeen shillings” ;

(b) By repealing the words “one thousand two hundred and fifty pounds” where those words appear in subsection four thereof and by inserting, in lieu of those repealed words, the words “one thousand five hundred pounds” ;

(c) By repealing the words “one thousand five hundred pounds” where those words appear in subsection four thereof and by inserting, in lieu of those repealed words, the words “one thousand eight hundred and fifty pounds” .

6. Paragraph (i.) of subsection three of section twenty-four of \**“The State Housing Acts, 1945 to 1948,”* is amended by repealing the words “twenty per centum” and by inserting, in lieu of those repealed words, the words “fifteen per centum” .

Amendment  
of s. 24 (3) of  
9 Geo. VI.  
No. 24.

7. The amendments of \**“The State Housing Acts, 1945 to 1948,”* made by sections five and six of this Act shall be deemed to have been so made on the fourth day of April, one thousand nine hundred and forty-nine, and sections five and six of this Act shall have retrospective operation and effect on and from that date accordingly.

Amendments  
to operate  
retro-  
spectively.

8. The following headnote and section are inserted after section twenty-five of \**“The State Housing Acts, 1945 to 1948,”* namely :—

New head-  
note and  
s. 25A  
inserted in  
9 Geo. VI.  
No. 24.

“PART IV.A—ENCOURAGEMENT AND AID IN BUILDING HOUSES.

[25A.] (1.) Subject to this Part, any person eligible under this Part may make payments to the Commission for the purpose of accumulating moneys which will be

Provisions  
for saving by  
intending  
home  
builders.

required by him for the purpose of enabling him to acquire land, and, with the assistance of the Commission, to erect thereon a dwelling-house, or for the purpose of accumulating moneys which will be required by him as a deposit for the purchase of a dwelling-house under this Act or of a home under \*"*The Workers' Homes Acts, 1919 to 1949*" :

Provided that such person may make such payments for any of such purposes in the alternative, and may vary from time to time, by notice in writing given to the Commission, the purpose or purposes as aforesaid for which such payments are being or have been made, but nothing in this section shall exempt such person from any condition of eligibility required by Part III. of this Act for the making of an advance thereunder to such person, or required by Part IV. of this Act for the sale of a dwelling-house thereunder to such person, or required by the provisions of \*"*The Workers' Homes Acts, 1919 to 1949,*" for the purchase of a home under the provisions thereof or otherwise affect or prejudice the provisions of Parts III. and IV. of this Act or \*"*The Workers' Homes Acts, 1919 to 1949.*"

Eligibility.

(2.) A person may not make payments in pursuance of this Part unless the Commission is satisfied that—

- (a) Neither the person nor the wife or husband (if any) of that person is the owner or purchaser of any dwelling-house or home in Queensland or elsewhere ;
- (b) The land or dwelling-house or home which he intends to acquire is to be used by that person for a home for himself and his dependants (if any) and for no other purpose ; and
- (c) The income of that person, after the deduction therefrom of all allowable deductions under and within the meaning of the †*Income Tax Assessment Acts, 1936-1948* of the Commonwealth, and all amounts in respect of which a rebate of tax is allowable under that Commonwealth Act, does not exceed eight hundred pounds per annum.

\* 10 G. 5 No. 7 and amending Acts.

† No. 27 of 1936 of the Commonwealth and amending Acts.

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ACTS, 1945 TO  
1948."

For the purposes of this subsection, the term \*"*Income Tax Assessment Acts, 1936–1948* of the Commonwealth" includes any subsequent Act passed in amendment thereof or in substitution therefor.

A minor who is otherwise eligible may make payments under this Part.

(3.) Payments to the Commission under the authority of this section shall be made at periodical times, the intervals between which shall be not less than one week, and at the rate of not more than ten pounds per month, provided that the Commission, having full regard to the purposes of this Part of this Act, may accept in its discretion such larger sum either periodically or in a lump sum or sums as it thinks fit. Manner of payments

Subject to the foregoing provisions of this subsection, the payments as aforesaid shall be made at such periodical times and in such amounts as may be arranged between the Commission and the person making the payments.

(4.) The Commission may, in its discretion, refuse to enter into an arrangement with any person for the making of payments to it as aforesaid, if it is satisfied that the person has no reasonable prospects of carrying out the terms of the arrangement, or in any case where, in its opinion, it is undesirable to enter into the arrangement. Discretion of Commission as to making of arrangement.

(5.) Any persons married or affianced to one another, and any two or more persons who stand in the relationship to each other of parent and child or of being the children of a common parent, may arrange with the Commission for payments under this section by each of them separately in respect of the one and the same dwelling-house. In that case subsection three of this section shall apply so that where there are more than two persons making payments as aforesaid in respect of the one and the same dwelling-house they shall not together pay greater instalments in the aggregate than twenty pounds per month, but subject always to the proviso therein contained.

Any such persons may enter into an arrangement with the Commission whereby any payments made by them under prior and separate arrangements with the Commission shall be deemed to have been made in respect of the one and the same dwelling-house as

\* No. 27 of 1936 of the Commonwealth and amending Acts.

from the date on which the first payment was made by such one of them as is earliest in time, and for the retrospective application of any arrangement otherwise made by them under this subsection accordingly.

The amount paid by each of such persons shall be credited to him or her separately, but in the case of a husband and wife such accounts may be amalgamated in a joint account upon such terms as are agreed upon between the Commission and them.

Home  
Builders  
Deposit  
Trust Fund.

(6.) A Trust Fund to be called "The Home Builders Deposit Trust Fund" shall be established in the Treasury.

The Fund shall be managed by the Commission, subject to the Minister.

All payments made by a person under this section shall be forthwith remitted by the Commission to the Treasury and paid into that Fund to the credit of that person.

The provisions of section sixteen of this Act shall not apply in respect of the said Fund except that all costs, charges, and expenses incurred in the administration of this Part shall, except as is hereinafter mentioned, be payable out of "The Queensland Housing Commission Fund."

Moneys standing to the credit of a person in the said Fund may be applied and paid by the Commission in and towards—

- (a) The cost of the acquisition by that person if he is then eligible for an advance under Part III. of this Act, of land which the Commission is satisfied is being acquired by that person for the purpose of the erection thereon, with the assistance of the Commission, of a dwelling-house ;
- (b) The payment of the amount additional to an advance obtained under this Act required to be paid by that person in respect of the erection of a dwelling-house by him ; or
- (c) The payment of the deposit required to be made by that person in respect of the purchase by him under this Act of a dwelling-house or the purchase by him under \*"*The Workers' Homes Acts, 1919 to 1949,*" of a home.

\* 10 G. 5 No. 7 and amending Acts.

949. *State Housing Acts, Etc., Amendment Act.*

PART II.—  
AMENDMENTS  
OF "THE  
STATE  
HOUSING  
ACTS, 1945 TO  
1948."

Subsidies to  
home  
builders.

(7.) Subject to this section and to appropriation by Parliament, the Crown shall make a subsidy as is hereinafter in this subsection provided to each and every person in respect of the moneys to his credit in the Home Builders Deposit Trust Fund. Such subsidy shall be equal in amount to—

(a) Interest calculated at the rate of four pounds per centum per annum upon the minimum monthly balance of moneys standing to the credit of that person in that Fund not in excess of five hundred pounds during a period of not longer than seven years commencing on the date when he made the first payment under this section to the Commission and upon the basis that interest is deemed to be credited on each thirtieth day of June ; and

(b) Interest calculated at the rate per centum per annum payable for the time being upon deposits in the Commonwealth Savings Bank upon the minimum monthly balance standing to the credit of that person in that Fund—

(i.) At any time after the expiration of the period of seven years commencing on the date when he made the first payment under this section to the Commission in respect of moneys not in excess of the sum of five hundred pounds ;

(ii.) At all times in respect of moneys in excess of five hundred pounds but not in excess of one thousand pounds ;

and upon the basis that interest is deemed to be credited on each thirtieth day of June :

Provided that a subsidy shall not be made in respect of any moneys standing to the credit of any person in excess of the sum of one thousand pounds, and provided further that only one subsidy shall be made to two or more persons in respect of the one and the same dwelling-house, and that in the case of the persons making payments in respect of the one and the same dwelling-house referred to in subsection five of this section, the separate accounts of such persons shall be regarded as one for the purpose of calculating the subsidy under this subsection.

A person shall not be eligible for a subsidy under this subsection unless and until moneys are paid by the Commission under subsection six of this section, and such subsidy shall not be paid to such person, but shall be applied by the Commission in or towards the making of such payments.

Power to  
Commission  
to refund  
moneys.

(8.) The Commission may refund, with the approval of the Minister, any moneys which have been paid by a person under this Part to the Commission.

Any such refund shall be accepted by the person to whom it is payable and offered in payment.

Power to  
withdraw  
payments.

(9.) A person may at any time withdraw the whole or any part of any money standing to his credit in the Home Builders Deposit Trust Fund.

Interest  
in respect  
of moneys  
withdrawn  
or refunded.

(10.) The Crown shall pay interest to any person who withdraws money or has money refunded to him from the Home Builders Deposit Trust Fund, calculated at the same rate or rates and in the same manner as interest is calculated upon a depositor's account in the Commonwealth Savings Bank:

Provided that no interest shall be payable in respect of any moneys standing to the credit of any person in excess of the sum of one thousand pounds.

Deduction of  
salary or  
wages for  
payment to  
Commission.

(11.) An employee may arrange with his employer for the deduction from periodical amounts of salary or wages accruing due to that employee of the payment arranged by him to be made to the Commission under this section and for the making of such payments by his employer to the Commission of the amount of all such deductions.

Periodical amounts of salary or wages so deducted shall be in law moneys received by the employer from the employee with a direction that such moneys be paid to the Commission as arranged between the employer and employee, and such moneys shall be deemed to be the property of the employee accordingly.

(12.) The Commission may require any person making payments to it under this Part to furnish to it or to a person named by it, all such information and particulars as the Commission deems necessary for the purpose of carrying out the objects and purposes of this Part."

1949. *State Housing Acts, Etc., Amendment Act.*

PART II.—  
AMENDMENTS  
OF “THE  
STATE  
HOUSING  
ACTS, 1945 TO  
1948.”

9. The following section is inserted after section 25A of \**“The State Housing Acts, 1945 to 1948,”* as previously inserted by this Act, namely :—

New s. 25B  
inserted in  
9 Geo. VI.  
No. 24.

“ [25B.] (1.) Subject to this section, the Insurance Commissioner shall insure any and every person who, on and after the passing of †*“The State Housing Acts and Another Act Amendment Act of 1949”*—

Home  
builders’  
insurance.

- (a) Obtains from the Commission an advance under this Act for the purpose of assisting him to erect a dwelling-house ; or
- (b) Contracts under this Act to purchase from the Commission a dwelling-house ; or
- (c) Contracts under ‡*“The Workers’ Homes Acts, 1919 to 1949,”* to purchase a home,

and who—

- (d) Is under the age of forty years and not in receipt of a greater income than eight hundred pounds per annum calculated in the manner set forth in subsection two of section 25A of this Act when he obtains an advance or, as the case may be, enters into a contract for the purchase of a dwelling-house or a home as aforesaid ; and
- (e) Has passed any medical test required by the Insurance Commissioner.

(2.) Such insurance shall cover such person against the risk of his death before he has completed the repayment or, as the case requires, payment in full of all principal moneys and interest payable by him in respect of—

Benefits  
payable  
under  
insurance.

- (a) The advance obtained by him from the Commission under this Act ; or
- (b) The purchasing price of the dwelling-house purchased by him under this Act from the Commission ; or
- (c) The purchasing price of the home purchased by him under ‡*“The Workers’ Homes Acts, 1919 to 1949,”*

and the benefit payable under the insurance cover shall be the balance of the aforesaid principal moneys lawfully becoming due and payable on and after the date of his death and not paid before that date, together with

\* 9 G. 6 No. 24 and amending Acts.

† This Act.

‡ 10 G. 5 No. 7 and amending Acts.



all interest payable in respect of that balance, and such benefit shall in the event of the death of such person be paid to the Commission by the Insurance Commissioner:

Provided that the provisions of this section shall apply in the case of co-owners or co-purchasers but to the extent that the life of only such one of them as the Commission shall determine shall be covered.

Benefits shall not be payable under the insurance cover in respect of any principal moneys or interest which, having become due and payable before the death of the person so covered, were in arrears and unpaid at the date of his death, or where the Commission or the Corporation constituted by \*"*The Workers' Homes Acts, 1919 to 1949,*" as the case shall require, has completed before that date the exercise of any power of entry into possession or power of sale given to it under any security or contract by such person or by this Act or by \*"*The Workers' Homes Acts, 1919 to 1949.*"

For the purposes of this section—

- (i.) The exercise of a power of sale shall be deemed to be completed when the Commission or the Corporation becomes bound by an agreement or a contract of sale;
- (ii.) Any provision of any mortgage, contract, or other security or agreement or Act (other than a provision relating to fraud or the ownership of another dwelling-house) whereby the whole of any principal moneys then remaining unpaid thereunder become due and payable forthwith, or the payment of such moneys is otherwise accelerated, in the event of any default in the payment of any sum payable thereunder, or in the event of any breach of any covenant or condition to be observed in any such mortgage, contract, or other security or agreement, shall be inoperative except when the exercise of the power of entry into possession or the power of sale has been completed as aforesaid.

Payment of  
 premiums.

(3.) The Treasurer shall from time to time pay from all such moneys as are appropriated by Parliament for such purpose all premiums for insurance cover issued by the Insurance Commissioner in terms of this section.

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PART III.—  
AMENDMENTS  
OF “THE  
WORKERS’  
HOMES ACTS,  
1919 TO 1934.”

PART III.—AMENDMENTS OF \**“THE WORKERS’ HOMES ACTS, 1919 TO 1934.”*

10. This Part of this Act shall be read as one with *“The Workers’ Homes Acts, 1919 to 1934,”* and that Act and this Part may be collectively cited as *“The Workers’ Homes Acts, 1919 to 1949.”* Construction of this Part and collective title.

11. In section two of \**“The Workers’ Homes Acts, 1919 to 1934,”* the definition “Worker” is amended by repealing paragraph (c) thereof and by inserting, in lieu of that repealed paragraph, the following paragraph, namely:— Amendment of s. 2 of 10 Geo. V. No. 7.

“(c) Whose income, after deducting therefrom all allowable deductions under and within the meaning of the †*Income Tax Assessment Act, 1936–1948* of the Commonwealth (which shall include for the purposes of this definition any Act passed in amendment thereof or in substitution therefor) and all amounts in respect of which a rebate of tax is allowable under that Commonwealth Act, does not exceed eight hundred pounds per annum.”

12. Section 13B of \**“The Workers’ Homes Acts, 1919 to 1934,”* is amended by repealing the words “not exceeding twenty-five years” where those words appear in the third paragraph thereof and by inserting, in lieu of those repealed words, the words “not exceeding thirty years”. Amendment of s. 13B of 10 Geo. V. No. 7.

13. Section sixteen of \**“The Workers’ Homes Acts, 1919 to 1934,”* is amended by repealing the words “not exceeding twenty-five years” where those words appear in the second paragraph thereof and by inserting, in lieu of those repealed words, the words “not exceeding thirty years”. Amendment of s. 16 of 10 Geo. V. No. 7.

14. Section seventeen of \**“The Workers’ Homes Acts, 1919 to 1934,”* is amended by adding thereto the following paragraph, namely:— Amendment of s. 17 of 10 Geo. V. No. 7.

“This section shall not apply in respect of purchasers with whom the Corporation enters into contracts of sale of homes on or after the passing of †*“The State Housing Acts and Another Act Amendment Act of 1949”* and in respect of whom insurance cover has been issued by the Insurance Commissioner pursuant to the provisions of section 25B of §*“The State Housing Acts, 1945 to 1949.”*”

\* 10 G. 5 No. 7 and amending Acts.

† No. 27 of 1936 of the Commonwealth and amending Acts.

‡ This Act.

§ 9 G. 6 No. 24 and amending Acts.