



ANNO DECIMO

## GEORGII VI REGIS.

A.D. 1946.

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### No. 49 of 1946.

An Act to amend the South Australian Housing Trust Act, 1936-1942, and for other purposes.

[Assented to 19th December, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "South Australian Housing Trust Act Amendment Act, 1946". Short titles.

(2) The South Australian Housing Trust Act, 1936-1942, as amended by this Act, may be cited as the "South Australian Housing Trust Act, 1936-1946".

(3) The South Australian Housing Trust Act, 1936-1942, is hereinafter referred to as "the principal Act".

2. Section 13 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) If pursuant to the provisions of this section or of section 10 of the Housing Improvement Act, 1940-1943, or of section 11 of the Landlord and Tenant (Control of Rents) Act, 1942, 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.

Amendment of principal Act, s. 13—

Officers of trust transferred from public service.

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Notwithstanding that any such person becomes an officer of the trust, the following provisions shall apply to that person :—

- I. 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 75 of the Public Service Act, 1936-1945, 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 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 :
- 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, 1926-1942, he shall, subject to this Act and to that Act, continue to be a contributor and shall be deemed to be an employee within the meaning of the Superannuation Act, 1926-1942 :
- 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, 1936-1945, 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.

3. The following section is enacted and inserted in principal Act after section 13 thereof :—

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 Superannuation Fund constituted under the Superannuation Act, 1926-1942, and the trust may expend any revenues of the trust, whether received by the trust under this Act or the Housing Improvement Act, 1940-1943, in the provision of pensions to those officers.

Enactment of  
s. 13a of  
principal  
Act—

Provision of  
superannuation  
benefits and  
retiring  
allowances to  
officers of  
the trust.

(2) The trust may, in manner provided by Part III. of the schedule to this Act, expend any such moneys for the purpose of providing retiring benefits to any of its officers.

4. The following schedule is enacted and inserted in the principal Act after section 32 thereof :— Enactment of schedule.

## THE SCHEDULE.

### PART I.

#### PRELIMINARY.

1. (1) For the purposes of this schedule the terms "the board" and "the fund" shall have the meanings given to them by section 3 of the Superannuation Act, 1926-1942.

(2) In this schedule "employee" means a person who is employed in a permanent capacity by the trust.

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### 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.

(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, 1926-1942, and be subject in all respects to the provisions of that Act as if he were an employee within the meaning of that Act.

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.

4. (1) If an employee who is employed by the trust at 1st January, 1947, is over the age of forty years at that day, and is not already a contributor to the fund, makes

application to become a contributor to the fund within three months after the said day and, as a result of that application, becomes a contributor to the fund, the contributions to be made by that employee for a pension not exceeding four units, shall be computed as if his age at the time of becoming a contributor were either ten years less than his actual age or forty years of age, whichever is the greater.

(2) In any such case the amount by which the contributions made by the employee is less than the contributions which would otherwise be required to be made by him pursuant to the Superannuation Act, 1926-1942, shall be paid to the board by the trust at the same time as his contributions are payable to the board by the contributor.

(3) If pursuant to section 51 of the Superannuation Act, 1926-1942, the amount of his contributions is refunded to the employee by the board, the amount to be so refunded shall, subject to subsection (1) of the said section, be the actual amount of contributions paid by the employee, and, subject as aforesaid, the amount paid to the board by the trust pursuant to this paragraph shall be refunded by the board to the trust.

5. (1) Any payment to the fund in respect of any employee which would otherwise be made by the Government pursuant to Division IV. of Part IV. of the Superannuation Act, 1926-1942, shall, subject to subparagraph (2) hereof, be made by the trust in place of the Government.

(2) If any employee before becoming an employee of the trust was an employee within the meaning of the Superannuation Act, 1926-1942, 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, 1926-1942, and as an employee of the trust and any other circumstances thought relevant by the Treasurer.

6. If an employee who is a contributor to the fund ceases to be an employee of the trust and contemporaneously with the time of so ceasing becomes an employee within the meaning of the Superannuation Act, 1926-1942, he shall continue to be a contributor to the fund, and in such case—

(a) the trust shall cease to be liable to make contributions to the fund as provided by paragraph 4

hereof and the full amount of contributions, as required by the Superannuation Act, 1926-1942, shall be made by the employee :

(b) the trust shall not be liable to make any payment as required by paragraph 5 hereof.

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 Government or the State or in any securities guaranteed by the Commonwealth or the State.

8. If any doubt or difficulty arises respecting the application to any person of this schedule or the Superannuation Act, 1926-1942, 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.

9. (1) This schedule shall be construed as if it were incorporated with the Superannuation Act, 1926-1942. and, subject to the provisions of this schedule, the provisions of the said Act shall apply to every employee being a contributor of the fund.

(2) For the purposes of the application of sections 34 and 40 of the Superannuation Act, 1926-1942, 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.

### PART III.

#### PROVISION OF RETIRING BENEFITS FOR EMPLOYEES OF THE TRUST.

10. The trust may, upon such terms and conditions as are from time to time fixed by the trust, provide retiring benefits to any of its employees who are employed at 1st January, 1947, who are at the said day over fifty-five years of age, and who do not apply to be contributors to the fund at any time within three months after the said day.

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11. The trust may from time to time set aside any of its moneys for the purpose of providing any such retiring benefits. 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.

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

C. W. M. NORRIE, Governor.