

9 GEO. VI. No. 24, 1945. *State Housing Act.*

**An Act to Make Better Provision for Housing and Improving the Housing Requirements and Conditions in the State of Queensland, to Provide for the Constitution of and Powers and Authorities of a State Housing Commission, to Provide for Advances for Housing, and for other purposes.**

9 GEO. VI.  
No. 24.  
THE STATE  
HOUSING  
Act of 1945.

[ASSENTED TO 26TH NOVEMBER, 1945.]

**B**E 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.**

**PART I.—  
PRELIMINARY.**

1. This Act may be cited as "*The State Housing Act of 1945.*" Short title.

2. \*Except where in this Act it is expressly provided, this Act shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act. Commence-  
ment of Act.

3. This Act is divided into Parts as follows:— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—ADMINISTRATION OF ACT AND CONSTITUTION AND POWERS OF THE QUEENSLAND HOUSING COMMISSION ;

PART III.—ADVANCES FOR HOUSING PURPOSES ;

PART IV.—SALE OF HOUSES UNDER CONTRACT OF SALE ;

PART V.—LETTING OR LEASING OF HOUSES ;

PART VI.—ARRANGEMENTS WITH THE COMMONWEALTH ;

PART VII.—MISCELLANEOUS.

\* Proclaimed in force as from 10th December, 1945, by Proclamation of 6th December, 1945 ; *Gazette* 8th December, 1945, p. 1363.

- Definitions.** 4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—
- By-law.** “By-law” — By-law or ordinance of a Local Authority as the case may be ;
- Capital cost.** “Capital cost” of a house together with the land on which it is situate includes the value of the land, the costs of and incidental to the erection of the house, together with a sufficient sum to cover any costs incurred or assessed by way of fees in respect of salaries paid or payable to architects, clerks of works, surveyors, or other persons and the cost (if any) of survey and subdivision and the value of so much of the land purchased or acquired as is laid out as streets, the cost of clearing, draining, fencing or otherwise improving the land by the Commission, and any other costs incidental to the purchase, acquisition and disposal of the land together with the interest on all expenditure in connection with the house and land up to the date disclosed in the final certificate or certificates of completion of the house and/or other works ;
- Commission.** “Commission” —The Queensland Housing Commission created by this Act : the term where necessary includes any member the Commissioner, Deputy Commissioner Secretary, or officer of the Commission ;
- Commissioner of Housing.** “Commissioner of Housing,” or “Commissioner,” The Commissioner of Housing appointed under this Act : the term where necessary includes any person for the time being performing the duties and functions of the Commissioner ;
- Dwelling-house.** “Dwelling-house” includes the house and its appurtenances, necessary outbuildings, fences, and permanent provision for lighting, water supply, drainage, and sewerage, but does not include any land ;
- Fund.** “Fund” —The Queensland Housing Commission Fund created by this Act ;

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- “Land” includes (but without limiting its ordinary meaning or the meaning assigned to it by \**“The Public Works Land Resumption Acts, 1906 to 1940”*) any land the fee-simple of which is subject to any trust or which is held from the Crown upon any tenure or subject to any trust under any Act relating to the alienation of Crown lands: the term also includes any estate or interest in land (legal or equitable) and any easement, right, power, or privilege over, on, or in connection with land; Land.
- “Land Acts”—†*“The Land Acts, 1910 to 1943,”* or any Act amending or in substitution for the same; Land Acts.
- “Local Authority”—A Local Authority constituted under the Local Government Acts: the term includes Brisbane City Council; Local Authority.
- “Local Authority Area”—The district in which the Local Authority concerned has jurisdiction under the Local Government Acts: and in respect of Brisbane City Council the area of the City of Brisbane under ‡*“The City of Brisbane Acts, 1924 to 1944”* (or any Act amending or in substitution for those Acts); Local Authority Area.
- “Local Government Acts”—§*“The Local Government Acts, 1936 to 1943,”* and any Act amending or in substitution for those Acts: the term also includes †*“The City of Brisbane Acts, 1924 to 1944,”* or any Act amending or in substitution for those Acts; Local Government Acts.
- “Minister”—The Secretary for Public Works or other Minister of the Crown for the time being charged with the administration of this Act; Minister.
- “Mortgage”—Any deed, memorandum of mortgage, instrument or agreement whereby security for payment of advances and moneys is made in favour of the Commission over Mortgage.

\* 6 E. 7 No. 14 and amending Acts, v. 9, p. 1046 *et seq.*† 1 G. 5 No. 15 and amending Acts, v. 5, p. 15 *et seq.*‡ 15 G. 5 No. 32 and amending Acts, v. 10, p. 6 *et seq.*§ 1 G. 6 No. 1 and amending Acts, v. 5, p. 826 *et seq.*

real or personal property or any interest therein: the term also includes a contract of sale under this Act where payment to the Commission of the unpaid purchase money is secured in whole or in part on the property the subject of such contract of sale;

Mortgagor.	“Mortgagor”—Mortgagor means the person liable to payment of moneys secured by mortgage: the term also includes a purchaser under a contract of sale;
Prescribed.	“Prescribed”—Prescribed by this Act;
Regulations.	“Regulations”—Regulations made under the authority of this Act;
Secretary.	“Secretary”—The Secretary or person for the time being performing the duties of secretary;
This Act.	“This Act”—This Act and all Orders in Council and Regulations made thereunder.

Remedy against land includes improvements.  
Where by this Act any remedy is given to the Commission against or with respect to any land, the term “land” includes not only the land but also all improvements thereon.

Repeal of State Advances Act of 1916.  
5. (1.) Subject to this Act and without prejudice to the provisions of \**“The Acts Shortening Acts,”* †*“The State Advances Act of 1916”* (as amended by ‡*“The Commonwealth Bank Agreement Ratification and State Advances Act of 1920,”* §*“The State Advances Act and Other Acts Relief Amendment Act of 1934,”* and Orders in Council made thereunder) is repealed (which Acts are collectively referred to as “the repealed Acts”).

Savings in respect of other Acts.

(2.) The provisions of—

- (a) ¶*“The State Housing Relief Acts, 1930 to 1934”* ;
- (b) §*“The State Advances Act and Other Acts Relief Amendment Act of 1934”* ;

\* 31 V. No. 6, v. 1, p. 56.

† 7 G. 5 No. 17, v. 1, p. 501.

‡ 11 G. 5 No. 5, v. 1, p. 530.

§ 25 G. 5 No. 16, v. 1, p. 527.

¶ 21 G. 5 No. 30 and amending Acts, v. 3, p. 1108.

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- (c) \**“The State Advances Acts and Other Acts (Rate of Interest) Act of 1943”* ;  
 (d) †*“The State Advances Corporation Building Improvement Act of 1932”*,

and all Orders in Council in force at the commencement of this Act made thereunder shall continue in full force and effect, and without limiting the generality of this provision to the intent that all the powers, authorities, rights, title, interest, duties and obligations of the Corporation and, as the case may be, of any such mortgagor shall be unaffected and shall enure accordingly to the full extent as if this Act had not been passed :

Provided that any reference in such Acts to the State Advances Corporation shall be a reference to the Queensland Housing Commission constituted under this Act :

Provided further that with respect to any advance referred to in subsection three of section nine of ‡*“The Agricultural Bank Act of 1923,”* any part of which advance remains unpaid at the commencement of this Act, all of the applicable provisions of the repealed Acts or any of them shall, notwithstanding the repeal thereof, continue in force while any part of such advance remains unpaid.

6. Upon the commencement of this Act the Corporation constituted by the repealed Acts by the name of *“The State Advances Corporation”* is hereby dissolved and the State Advances Fund created by the repealed Acts shall be closed. Such Corporation so dissolved may be referred to as *“the dissolved Corporation.”*

Dissolution  
of State  
Advances  
Corporation.

*Transfer of Assets, &c., to the Commission.*

7. (1.) Forthwith upon the commencement of this Act—

(a) All moneys, debentures, and Treasury Bills, and securities for money, and all interest thereon, and all books, documents, and other property held by or on behalf of the dissolved Corporation ; and

Vesting of  
assets and  
liabilities in  
the  
Commission.

\* 7 G. 6 No. 34, 1943 Sess. v., p. 1.

† 23 G. 5 No. 19, v. 1, p. 541.

‡ 14 G. 5 No. 41, see consolidated 1943 Sess. v., p. 163.

- (b) All the assets and liabilities of the dissolved Corporation ; and
- (c) All powers, authorities, rights, title, interest, and obligation in or with respect to such assets and liabilities or any of them,

under or pursuant to the repealed Acts or any other Act shall forthwith by virtue of this Act, and without any transfer or assignment whatever, pass to and become vested in and imposed upon the Queensland Housing Commission constituted under this Act as hereinafter provided (referred to in this section as "the Commission") and be divested and discharged from the dissolved Corporation :

Provided that nothing in this Act shall prejudice or affect the agreement between the Governor of the Commonwealth Bank of Australia and the Treasurer of Queensland as set forth in Schedule I. of \**"The Commonwealth Bank Agreement Ratification and State Advances Act of 1920."*

Rights of  
action and  
under  
contracts.

(2.) Any right of action or other remedy accrued to or against and any power or authority vested in or exercisable by and any agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant, or obligation made, given, or entered into by, to or with the dissolved Corporation (other than such of them as by the aforesaid agreement are transferred to, vested in or imposed upon the said Commonwealth Bank) may be prosecuted and enforced by or against the Commission as if the right of action or remedy had originally accrued to or against or the power or authority had originally been vested in or exercisable by or the agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant, or obligation had been made, given, or entered into by, to, or with the Commission.

Existing  
advances.

(3.) The following provisions shall apply in respect of advances made or purporting to be made under or pursuant to the repealed Acts or any other Act or law before the commencement of this Act by the dissolved Corporation, and whether made by the dissolved Corporation as principal or as attorney or as agent or

\* 11 G. 5 No. 5, v. 1, p. 530.

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on behalf of any Minister of the Crown, any part of which advance and/or the interest thereon remains unpaid at the commencement of this Act :—

- (a) Such advances shall be repaid, and interest thereon shall be paid to the Commission at the times and in the amounts prescribed by the Act under or pursuant to which the advance was made or by any regulation or instrument thereunder ;
- (b) The Commission may take any proceeding or exercise any right or remedy which under such Act might have been taken or exercised by the dissolved Corporation ;
- (c) The land and other property mortgaged as security for the advances aforesaid shall continue to be charged with the repayment of such advances with interest thereon.

(4.) All mortgages and other securities executed by way of security for any advance (including, if it be so, any further advances) under or pursuant to any of the repealed Acts or any other Act or law, as the case may require, shall for all purposes, including any further advances that may be made under this Act, be construed as if the Commission were party thereto instead of the dissolved Corporation, and this Act shall apply to all such advances and/or further advances.

Operation of securities for advances and further advances.

(5.) All accounts, documents, books, and papers relating to any such advance shall be transferred to and be kept by the Commission ; and such adjustments of account shall be made in the books of the dissolved Corporation as may be necessary to give effect to this section.

Adjustments.

(6.) Where under the provisions of any Act any Minister of the Crown or body corporate is empowered to enter into any arrangement or agreement with the dissolved Corporation whereby the dissolved Corporation is to manage on behalf of such Minister or body corporate the whole or any part of his or its business so far as consists of the making and regulation of advances under such Act, such Minister or body corporate may enter into a like arrangement or agreement with the Commission for the like purposes, and the same shall be given effect to ; or where such Minister or body corporate has already entered into such arrangement or agreement

Agreements for management of certain advances.

as aforesaid with the dissolved Corporation and the same is subsisting at the commencement of this Act, then by virtue of this Act the Commission shall as and from the commencement of this Act be deemed to be the party to every such arrangement or agreement in lieu of the dissolved Corporation, and every such arrangement or agreement shall be read and construed and have effect accordingly.

**Pending applications.** (7.) Applications by any person to the dissolved Corporation for any advances pending at the commencement of this Act, and whether or not any advance or instalment has been made, may be dealt with and completed by the Commission as if such applications were respectively made for advances under this Act.

**Closure of State Advances Fund.** (8.) All moneys to the credit at the Treasury of the State Advances Fund constituted under the repealed Acts shall by virtue of this Act be transferred to the Queensland Housing Commission Fund constituted under this Act.

**Proceedings.** (9.) All actions and proceedings and things lawfully had and done by the dissolved Corporation shall be and continue to be in full force and effect to all intents and purposes as if the same had been had and done by the Commission constituted under this Act, and if the same are not completed may be continued and completed by the Commission constituted under this Act; and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained.

**Penalties.** (10.) All penalties, fees, fines, and forfeitures which at the commencement of this Act may be enforceable or recoverable by the dissolved Corporation shall and may be enforced and recovered by the Commission constituted under this Act.

**Officers.** (11.) All officers and servants of the dissolved Corporation holding office or being employed at the commencement of this Act shall be deemed to have been appointed and engaged under this Act, but shall otherwise be subject to this Act as officers and servants of the Commission constituted under this Act :

**Appointments may be made on the passing of this Act.** Provided that any appointments under this Act may be made on the passing of this Act.

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(12.) All Proclamations, Orders in Council, and regulations made under the repealed Acts and in force at the commencement of this Act shall continue in force until the same or any of them are amended or superseded by Proclamations, Orders in Council or regulations under this Act; and in the construction of such Proclamations, Orders in Council, or regulations references to the expression "State Advances Corporation" or "Corporation" shall be deemed to be references to the Commission constituted under this Act; and references to the expression "Manager" of the dissolved Corporation shall be deemed to be references to the Commission or, as the case may require, to the Commissioner, Deputy Commissioner, or Secretary thereof, as the case may be, constituted and appointed under this Act; and references to any officer of the dissolved Corporation shall be deemed to be references to the officers of the Commission constituted under this Act authorised or appointed in like behalf.

Proclama-  
tions, Orders  
in Council,  
regulations,  
&c.,  
continued.

(13.) All instruments, documents, records, plans, correspondence, and all books and writings the property of the dissolved Corporation shall be and are by virtue of this Act hereby handed over to the Commission constituted under this Act, and shall and hereby become the property of such lastmentioned Commission.

Records.

(14.) Where in any Act or in any regulation, Proclamation, or Order in Council a reference is made to the dissolved Corporation or to the Manager thereof, as the case may be, such reference shall, on and after the commencement of this Act, and subject as may be otherwise provided in this Act, be deemed to be a reference to the Commission constituted under this Act or to the Commissioner, Deputy Commissioner, or Secretary thereof, as the case may require.

References  
in other  
Acts.

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8. This Act shall be administered by the Minister; and under the Minister the Commission, by the Commissioner and other officers appointed or deputed in that behalf, is hereby authorised to carry out the provisions of this Act.

Administra-  
tion of Act.

9. (1.) For the purposes of this Act there shall be a Housing Authority called "The Queensland Housing Commission" (hereinafter called "the Commission") constituted as hereinafter provided.

(2.) The Commissioner representing the Crown is hereby constituted a corporation sole under the name and style of "The Queensland Housing Commission" and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued, and shall, subject to this Act, have power to take, purchase, take on lease, sell, exchange, lease, assign, transfer, surrender to the Crown and hold lands, goods, chattels, securities and other property.

(3.) All courts, judges, justices and persons acting judicially shall take judicial notice of the constitution of "The Queensland Housing Commission" and of the appointment of the Commissioner, Deputy Commissioner, or Secretary thereof, and of their respective signatures and of the seal of the Commission affixed to any document or notice, and until the contrary is proved shall presume that any such signature or such seal, as the case may be, was duly affixed to any document or notice concerned.

Crown  
agency.

(4.) For all the purposes of this Act—

- (a) The Commission shall have and may exercise all the powers, privileges, rights, and remedies of the Crown ;
- (b) The Commission shall have and may exercise all such powers, authorities, and discretions, and may do all such acts and things, as a private person in Queensland has or may exercise or do, and the Commission generally may do whatever it deems necessary in connection with or incident to any business carried on by it.

These  
powers  
additional  
to others.

(5.) The powers conferred by this section shall be in addition to any other powers conferred upon the Commission by this Act.

Appoint-  
ment of  
Commis-  
sioner.

10. (1.) The Governor in Council may from time to time, by commission under his hand and the public seal of the State, appoint a Commissioner of Housing (in this Act referred to as "the Commissioner").

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Term of  
office.

(2.) Such appointee shall be appointed for such term as shall be indicated in the commission appointing him not exceeding seven years, but shall be eligible for reappointment for any further period prescribed by his commission of reappointment.

(3.) There shall be payable to such Commissioner such salary as the Governor in Council may from time to time think fit.

(4.) (i.) The Queensland Housing Commission shall, for the purposes of \**"The Public Service Acts, 1922 to 1924,"* constitute a department thereunder under the name of "The Queensland Housing Commission."

Commissioner to be permanent head of department.

(ii.) In addition to the powers and duties conferred and imposed upon him by or pursuant to this Act the Commissioner shall, with respect to the said department and the officers employed therein, have and be charged with all the powers, privileges, and duties of a permanent head of a department under \**"The Public Service Acts, 1922 to 1924,"* and the said lastmentioned Acts shall be read and construed accordingly.

(5.) (i.) The Governor in Council may also in like manner appoint another person to be Deputy Commissioner of Housing, who shall in the event of the illness, incapacity, or suspension of the Commissioner have and exercise all the powers, functions, and authorities and perform all the duties of the Commissioner, and shall be deemed to be the Commissioner.

Appointment of Deputy Commissioner.

(ii.) Such Deputy Commissioner shall receive such salary as the Governor in Council may think fit.

(iii.) The fact that the Deputy Commissioner has exercised any power, function, or authority of the Commissioner or performed any duty of the Commissioner shall, until the contrary is proved, be conclusive evidence of such illness, incapacity, or suspension of the Commissioner.

(6.) The Commissioner or Deputy Commissioner shall be deemed to have vacated his office—

Office, how otherwise vacated.

(a) If he is or becomes disqualified under this Act from holding the office of Commissioner;

(b) If he engages during his term of office in any employment outside the duties of his office;

- (c) If he becomes bankrupt or presents a bankruptcy petition against himself or enters into any composition or scheme of arrangement or deed of assignment without sequestration or deed of arrangement under Parts XI. or XII. of the \**Bankruptcy Act* 1924-1933 of the Commonwealth (including any Act or law amending or in substitution therefor) or otherwise takes advantage of the laws in force for the time being relating to bankruptcy ;
- (d) If he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave is hereby authorised to be granted) or becomes incapable of performing his duties ;
- (e) If he becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission or in any wise participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising therefrom :

Provided that a person shall not be disqualified from holding office as Commissioner or Deputy Commissioner by reason only of the fact that he is or may be a mortgagor or lessee of a dwelling-house under this Act.

Deputy  
Commis-  
sioner to act  
in case of  
death of  
Commis-  
sioner.

(7.) In the event of the death of the Commissioner the Deputy Commissioner shall act as Commissioner and assume and exercise all the powers and authorities and perform all the duties of the Commissioner until a new Commissioner is appointed.

General  
powers and  
duties.

(8.) The Commissioner shall—

- (a) Advise the Minister on matters connected with this Act generally ;
- (b) Make or cause to be made any inquiry or investigation required by this Act or any inquiry or investigation which the Minister may think necessary or expedient so to make.

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Power of  
delegation.

(9.) (i.) For the purpose of carrying out the objects and purposes of this Act and his powers, duties, and responsibilities thereunder the Commissioner with the approval of the Minister is hereby authorised to delegate to the Deputy Commissioner or any District Officer any of his powers, duties, and responsibilities (except this power of delegation) under this Act.

(ii.) A delegation may be made in respect of any particular matter or of any class of matters or generally, or may be limited to any part of the State and may be subject to or on such terms and conditions as the Commissioner, with the approval of the Minister, thinks fit.

(iii.) Every delegation under this subsection shall be revocable at the will of the Commissioner but no delegation shall prevent the exercise of any power, duty, function, or authority by the Commissioner himself.

(10.) The Governor in Council may at any time and from time to time, upon the recommendation of the Commissioner, and approved by the Minister, by Order in Council published in the *Gazette*, establish a district office or district offices of the Commission and/or appoint an agent or agents of the Commission at any place or places.

District  
offices of the  
Commission.

Any district office or agency so established or appointed may in like manner be abolished or terminated by the Governor in Council at any time.

11. (1.) The Governor in Council may, on the recommendation of the Public Service Commissioner, appoint—

Officers.

- (i.) A person to be the Chief Technical Officer ;  
and
- (ii.) A person to be the Secretary to the Commission (herein referred to as “the Secretary”); and
- (iii.) A person to be Officer in Charge of every district office of the Commission (herein referred to as a “District Officer”);

and may upon the like recommendation appoint and/or employ such other officers and employees as may be necessary for the purpose of administering this Act.

Appoint-  
ments under  
Public  
Service Acts.

(2.) Any appointment as aforesaid may be made under \**“The Public Service Acts, 1922 to 1924,”* and, in such event, the appointee shall hold the office to which he is so appointed under and pursuant to such Act.

Salaries and  
wages.

(3.) Every such officer or employee shall be paid salary or wages at the rate for the time being fixed by award, order, or industrial agreement under †*“The Industrial Conciliation and Arbitration Acts, 1932 to 1945”* (or any Act amending or in substitution for the same) or, as the case may be, under the ‡*Commonwealth Conciliation and Arbitration Act 1904–1934* (or any Act amending or in substitution for the same), or if there is no such award, order, or industrial agreement applicable in his case, then at such rate as is fixed by the Governor in Council upon the recommendation of the Public Service Commissioner.

Appointing  
or seconding  
officers of the  
Public  
Service.

(4.) A person in office under \**“The Public Service Acts, 1922 to 1924,”* may be appointed or seconded to any office under this Act and may, if the Public Service Commissioner so recommends, hold both such offices in conjunction.

Secretary  
to have  
custody of  
seal.

(5.) The Secretary shall be charged with the custody of the official seal of the Commission, and shall have power to execute documents on behalf of the Commission and to affix the official seal of the Commission, and shall also have such other powers and perform such other duties as are from time to time prescribed or, subject as so prescribed, delegated to him by the Commission.

Co-operation  
by other  
State  
Depart-  
ments, &c.

(6.) (i.) Every department of the Public Service, every Crown corporation or instrumentality, or corporation or instrumentality representing the Crown, every Local Authority and every local body within the meaning of §*“The Local Bodies’ Loans Guarantee Acts, 1923 to 1936,”* or any other relevant body which may hereafter be constituted shall, subject to approval by the Minister and agreement in that behalf between the Minister as defined in this Act and the other Minister of the Crown, if any, for the time being administering such

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\* 13 G. 5 No. 31 and amending Acts, v. 7, p. 1139.

† 23 G. 5 No. 36 and amending Acts, v. 4, p. 1020 *et seq.*

‡ No. 13 of 1904 of the Commonwealth and amending Acts.

§ 14 G. 5 No. 8 and amending Acts, v. 5, p. 1073 *et seq.*

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other department, corporation, instrumentality, Local Authority, or local body or other body, co-operate with the Commission in the carrying out of this Act.

(ii.) Without limit to the generality of the preceding provisions of this section, the Commission shall, subject to ministerial approval and agreement as hereinbefore mentioned in this section, have power and authority to consult with and use the services in his official capacity of any officer of any department, Crown corporation or instrumentality, or corporation or instrumentality representing the Crown, Local Authority or local body, or other body, for the purposes of any act, matter, or thing arising out of or in connection with the purposes of this Act.

(iii.) Subject to ministerial approval and agreement as hereinbefore mentioned in this section, every officer of any department of the Public Service, Crown corporation or instrumentality, or corporation or instrumentality representing the Crown, Local Authority or local body shall make himself available for consultation or service as required by the Commission for the purposes of any act, matter, or thing arising out of or in connection with this Act, including the furnishing by such officer of statistical, technical, financial, or other information in the possession of or available to or obtainable by such officer in his official capacity and which in the opinion of the Commission is or may be material to or in respect of any such purpose.

(iv.) Nothing in this Act shall prejudice or affect the powers, functions, and authorities of the Co-ordinator-General of Public Works constituted under \**"The State Development and Public Works Organisation Acts, 1938 to 1940."*

**12.** Subject to this Act, the salaries, wages, or allowances of the Commissioner and all other officers and employees of the Commission shall be paid out of the Fund. Salaries payable out of the Fund.

**13.** The Commission may, subject to the Minister, arrange with any Crown instrumentality or Crown corporation or Minister representing the Crown to manage, and such Commission shall thereupon, as Commission may manage business.

\* 2 G. 6 No. 3 and amending Acts, 1938 Sess. v., p. 17365.

the fully constituted deputy and attorney of and for such Crown instrumentality or Crown corporation or Minister representing the Crown, be authorised to manage the whole or any part of the business of the Crown instrumentality or Crown corporation or Minister representing the Crown, and for so doing the Commission shall be entitled to receive such annual management fee or commission as is mutually agreed upon between the Commission and the Crown instrumentality, or Crown corporation or Minister concerned.

Validation  
of certain  
action.

14. (1.) All acts, matters and things done or executed by the State Advances Corporation in aid of State housing prior to the passing of this Act or subsequent to its passing prior to its commencement, which if done or executed by the Commission or by the Commissioner subsequent to such commencement would be valid and lawful, are and shall always have been lawful, and are hereby authorised, approved, ratified, confirmed, and validated accordingly.

(2.) This section shall take effect on the passing of this Act.

Administra-  
tive  
provisions.  
Schedule.

15. The provisions set forth in the Schedule to this Act shall be applicable to the business of the Commission and to all matters therein dealt with in aid of the effectual administration of this Act.

Such provisions may, from time to time be altered or added to by the Governor in Council, by Order in Council published in the *Gazette*, and the said Schedule as so altered or added to shall thereupon become, for the time being, the Schedule to this Act and have effect accordingly.

Queensland  
Housing  
Commission  
Fund.

16. (1.) There is hereby created at the Treasury a Fund to be called "The Queensland Housing Commission Fund" (herein referred to as "the Fund").

(2.) The Treasurer may from time to time make available for the purposes of the Fund all such moneys as are appropriated by Parliament for such purposes.

(3.) Subject to this Act all moneys repaid to the Commission in respect of advances and interest thereon made under this Act or any other Act, and all other moneys whatsoever received by the Commission shall be paid into the Fund.

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(4.) Subject to this Act all advances by the Commission made under this Act shall be payable out of the Fund.

(5.) Subject to this Act all moneys expended in pursuance of this Act in respect of costs of any land and buildings purchased or acquired under this Act, costs of subdivision and preparation of lands for the purposes of the Act, and all other costs, charges and expenses incurred in the administration of this Act shall be payable out of the Fund.

(6.) The Commission shall pay deposit or other trust moneys received by it to a Trust Account with the Commonwealth Savings Bank, which shall be there held until applied to the purpose for which it was paid. Interest calculated at the rate allowed to the Commission on its Trust Account shall be payable by it on trust moneys held ; provided that interest shall only be payable by the Commission on amounts held for a full calendar month.

17. (1.) The Governor in Council may by warrant under the hand of the Treasurer direct and authorise loans to be made to the said Commission out of the Consolidated Revenue Fund.

Loans by  
Government  
to  
Commission.

(2.) For the purpose of exercising any powers discharging any functions or duties conferred or imposed by this Act or any other Act upon the Commission, the Commission may and is hereby authorised from time to time, with the approval of the Governor in Council, to borrow money or obtain advances whether by way of temporary accommodation by means of overdraft or otherwise from or make financial arrangements with any person or body corporate or unincorporate upon such terms and conditions and at such rate of interest as the Commission, with the approval of the Governor in Council, shall deem fit ; and, subject as hereinafter prescribed, for any such purpose to create and execute mortgages, bills of sale, charges, liens, and other securities or obligations over the property of the Commission or any part or parts thereof, or the revenues thereof, or otherwise as the Commission, with the approval of the Governor in Council, shall deem fit.

Or Power to  
borrow  
money.

(3.) (a) For the purpose of enabling the Commission to carry out the objects and purposes of this Act, and for the purposes of providing moneys to be raised by way of loans, the Commission subject to the approval of the

Power of  
Commission  
to issue  
debentures.

Governor in Council, by Order in Council published in the *Gazette*, may from time to time issue debentures in the prescribed amounts and secured as prescribed, and at the times and in the manner and subject to such provisions, conditions, and stipulations as are from time to time prescribed in any such Order in Council.

Guaranteed  
by the  
Treasurer of  
Queensland.

(b) The due payment by the Commission of any such loan or of any such debentures and the interest on any such loan or on such debentures shall also be and be deemed to be guaranteed by the Treasurer of Queensland.

Arrange-  
ment for  
sale of  
debentures.

(4.) (i.) The Governor in Council may by any such Order in Council also make or empower the Commission to make arrangements authorising the sale of such debentures in places beyond the limits of the State, and appoint or empower the Commission to appoint any agent or agents to negotiate such sale and to enter into and execute any contract or contracts therefor; and may prescribe provisions for the establishment by the Commission of a sinking fund and for the proper administration of all matters and things in relation thereto and in regard to any loan, whether raised by way of debentures or otherwise accordingly.

Debentures  
an  
authorised  
investment  
under the  
Act 61 Vic.  
No. 10.

(ii.) An investment by a trustee of trust funds in any such debentures shall be and be deemed to be an authorised investment by the trustee pursuant to the provisions of section four of \**The Trustees and Executors Act of 1897*” (as amended by subsequent Acts) and such Act shall be read and construed accordingly.

Loans to  
Commission  
from  
Treasury.

(5.) For the purpose of providing moneys to meet any expenditure incurred or to be incurred by the Commission pursuant to its powers as aforesaid, or for the payment of any interest and/or redemption on any loan (including debentures) authorised as aforesaid, the Minister may from time to time arrange for a loan from the Treasury to the Commission in such amount or amounts as shall from time to time be necessary herein. The repayment of any such loan together with such interest as prescribed shall be made from the Commission in such manner and at such times and under such conditions as shall from time to time be prescribed by the Governor in Council. Moreover the Treasurer is hereby authorised and empowered to give such directions and to take such action in respect of the matters herein

\* 61 V. No. 10 and amending Acts, v. 9, p. 582.

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set forth (including any readjustment) of the Loan Trust or other accounts at the Treasury as may be necessary or expedient to give full effect to the objects and purposes of this Act.

(6.) The Commission shall also be and be deemed to be a "local body" for all purposes under and pursuant to the provisions of \*"*The Local Bodies' Loans Guarantee Acts, 1923 to 1936,*" and the provisions of such last-mentioned Acts, together with such additions thereto or modifications thereof as the Governor in Council may by Order in Council prescribe, either generally or in any particular case, shall apply and extend accordingly.

Commission  
to be a  
"local  
body"  
under the  
Local  
Bodies'  
Loans  
Guarantee  
Acts.

18. (1.) The Governor in Council may at any time, by Order in Council, vest in fee-simple in, or place under the permanent or temporary control of, the Commission any Crown land to be used for the purposes of the business of the Commission.

Power to  
vest other  
lands.

(2.) The value of any land vested in fee-simple in the Commission under this section shall be fixed by the Governor in Council, and the amount thereof shall be debited against the Fund, and deemed to be an investment.

(3.) The Governor in Council may from time to time, by notification in the *Gazette*, set apart any vacant Crown land to be used for the purposes of this Act; and thereupon such land shall become and be available for the purposes of this Act.

Setting apart  
Crown land  
for the  
purposes of  
this Act.

19. Land for the time being vested in fee-simple in the Commission or occupied by it for the purpose of carrying on the business of the Commission shall not be deemed to be rateable land within the meaning of the Local Government Acts.

Exemption  
from rating.

20. (1.) Subject to the Minister it shall be the general duty of the Commission to attain, so far as may be, the general improvement of the housing conditions of the citizens of this State, and without limiting the generality of this duty, to provide for adequate and suitable housing accommodation for persons of limited means and for persons not otherwise adequately housed.

General duty  
of the  
Commission.

\* 14 G. 5 No. 8 and amending Acts, v. 5, p. 1073 *et seq.*

(2.) For the purposes of this Act the Commission may—

- (a) Carry out all such surveys and investigations as may be necessary or expedient for the purposes of this Act, or for the purpose of ascertaining the housing conditions in any locality ; and
- (b) Recommend making of by-laws or ordinances by Local Authorities.

Functions  
of the  
Commission.

**21.** (1.) The Commission shall, in addition to the duties as above prescribed, be entrusted with the duty of dealing with applications made under—

- (a) This Act ; or
- (b) Any other Act or law in relation to housing, the administration whereof is or may be entrusted to the Commission.

(2.) For the purpose of exercising such duties as aforesaid, the Commission shall have power and authority—

- (i.) To inquire into and consider applications as herein provided ;
- (ii.) To require any further or other information in respect of any such application ;
- (iii.) To approve of any such application (either wholly or in part) ;
- (iv.) To refuse any such application.

(3.) The Commission shall also have such advisory powers as may from time to time be prescribed, and such other powers as may be imposed by the Minister on the Commission.

Further  
functions of  
Commission.

(4.) In addition to the powers, authorities, and functions of the Commission as otherwise provided in this Act, it shall be the duty of the Commission, subject to the Minister—

- (i.) To formulate generally proposals for improving the housing conditions generally of the State and to make recommendations to the Minister in regard thereto ;
- (ii.) To ensure the effective administration of this Act, and for the effective organisation and performance of the work involved in dealing expeditiously with applications and the Commission's administration ;

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- (iii.) To co-operate and consult with a Local Authority or any other town-planning body in respect of any town-planning scheme of the Local Authority or body concerned or to make recommendations to the Local Authority or body concerned as to the formulation by such Local Authority or body of any such town-planning scheme ;
- (iv.) To co-operate and consult with a Local Authority in respect of any scheme within the powers and jurisdiction of the Local Authority concerned with the object of preventing or remedying conditions usually referred to as "slumming" conditions, or to make recommendations to the Local Authority concerned as to the formulation by it of any such scheme ;
- (v.) To co-operate and consult with a Local Authority in the direction of the promulgating by the Local Authority of uniform building regulations in the Area of the Local Authority concerned ;
- (vi.) To perform such other duties as the Minister may direct.

**22.** (1.) Subject to this Act, the Commission may from time to time exercise the following powers :—

(i.)—

- (a) With the approval of the Minister, take, purchase, contract for the use of, or otherwise provide any land which may be required for the purposes of this Act :

Provided that any single purchase or acquisition of land of a value in excess of five hundred pounds shall be subject to the prior approval of the Governor in Council ;

- (b) With the consent of the Governor in Council, and on the recommendation of the Secretary for Public Lands, purchase or acquire any Crown land (and notwithstanding anything in any Act the Governor in Council is hereby empowered to grant any such land to the Commission at such price, if any, and on such terms and conditions as the Governor in Council thinks fit) ;

Special  
powers of  
Commission.

Power to  
acquire  
land.

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(c) With the consent of the Governor in Council purchase or acquire from a Local Authority any land (not being land set apart or reserved under the Land Acts) vested in the Local Authority and (notwithstanding anything in any Act) the Local Authority is hereby empowered to sell or dispose of any such land to the Commission ;

(d) Re-plan and re-subdivide any area in which the Commission has purchased or acquired land, and subject to this Part and to any provisions in the Land Acts secure the closing of any street or the extinguishment of any easement or restrictive covenant for that purpose :

Provided that regard may be given to any recommendation herein of a Local Authority concerned ;

(ii.) With the approval of the Minister erect buildings and repair, equip, furnish, and maintain the same ; let offices or other accommodation in any building or premises for such rent as it thinks proper, and generally control and manage any buildings the property of the Commission.

(iii.) Hold, until the same can be advantageously disposed of, any property, real or personal, taken by it as security for or in satisfaction, liquidation, or discharge of any debt owing to the Commission.

(iv.) With the approval of the Minister, as occasion may require, sell, lease, convey, assign, and assure any lands, buildings, securities, or property whatsoever vested in the Commission or any estate or interest in the same.

(v.) (a) With the approval of the Minister, carry out any improvements to the land and erect dwelling-houses, for the purpose of sale to, or for letting to, eligible persons as provided in this Act, on or lay out and construct as streets—

(i.) Any land or any part thereof purchased, acquired, or set apart pursuant to this Act, as aforesaid ; or

(ii.) Any other land or any part thereof acquired by the Commission.

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(b) Set apart with the consent of the Minister any such land or any part thereof for open spaces or places of recreation, or erect on any such land any buildings which in the opinion of the Commission will serve a beneficial purpose in connection with the requirements of the persons to whom such houses are sold, let, or leased under this Act:

Provided that regard may be given to any recommendation of a Local Authority concerned.

(c) With the consent of the Governor in Council surrender to His Majesty for the purpose of a garden, park, open space or place of recreation any land set apart for such purpose pursuant to this subsection.

(d) If satisfied that any land vested in it under this Act is not immediately required for the purposes of this Act with the approval of the Minister, lease such land at such price and on such terms and conditions as it thinks fit.

(e) Without limiting or affecting the power of the Commission to sell houses and land as hereinafter provided, with the consent of the Minister, on such terms and conditions and subject to such restrictions, exceptions, and reservations as the Commission thinks fit, sell any land (other than land granted to the Commission by the Crown or land on which the Commission has erected any house) purchased or acquired by the Commission pursuant to this subsection or any part thereof—

(i.) To His Majesty in right of the Commonwealth or of the State or any State instrumentality ;  
or

(ii.) By public auction at not less than the upset price as shall be fixed by it or, in the case where any such land has been put up to auction and remains unsold thereat, by private contract.

(f) With the consent of the Governor in Council upon such terms and conditions and subject to such restrictions, exceptions, and reservations as the Commission thinks fit exchange any land of the Commission (other than land granted to the Commission by the Crown or land on which the Commission has erected any house) for any other land and give or receive consideration for equality of exchange.

(g) With the approval of the Minister, enter into an arrangement with the appropriate Crown or other instrumentality or other authority—

(a) For the making of roads or other facilities affording access to dwelling-houses acquired, erected, or to be erected in pursuance of this Act ;

(b) For connecting any such dwelling-houses with sewerage, drainage, water, gas, and electric power and lighting systems ; and

(c) For establishing or extending such systems to connect with any such dwelling-houses ;

and may allot to each dwelling-house having the benefit of the arrangement such proportion of the cost incurred by the Commission under the arrangement as the Commission deems just.

(h) Do all matters and things incidental to any of the abovementioned matters herein in this subsection mentioned.

Resumption powers.

(2.) (i.) The Commission shall be and be deemed to be a constructing authority within the meaning of \**“ The Public Works Land Resumption Acts, 1906 to 1940,”* for the purposes of exercising its powers and authorities under this Act.

Commission to have powers, &c., of Crown as constructing authority.

(ii.) For the purposes of paragraph one of this subsection the Commission shall, in addition to any further powers, authorities and jurisdiction conferred upon it by this Act, have and may exercise all the powers, authorities and jurisdiction of the Crown as a constructing authority under \**“ The Public Works Land Resumption Acts, 1906 to 1940.”*

Extent of power to take land.

(iii.) Nothing contained in any Act other than this Act and \**“ The Public Works Land Resumption Acts, 1906 to 1940,”* as modified by this Act, or in any law, or in any rule, practice, or process of law, or in any judgment of any court of competent jurisdiction, shall prejudice or limit the power of the Commission to take any land whatsoever and wheresoever situated.

Amount of compensation payable to trustees.

(iv.) The claim for compensation of the trustee or trustees of any land in respect of the taking of same by the Commission shall be limited to the amount of actual damage caused to the trust by reason of the

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taking, and no such trustee shall have any other right, remedy, or claim whatsoever in respect of such taking against the Crown or any Minister of the Crown, or the Commission, or any other person whomsoever, and this Act, \**“The Public Works Land Resumption Acts, 1906 to 1940,”* and every other relevant Act or law or rule, practice, or process of law, or judgment of any court of competent jurisdiction, shall be read, construed and applied subject to this subsection.

(v.) Notwithstanding anything contained or implied in this Act or in any other Act or law or rule or process of law to the contrary, in the assessment and fixation of compensation to be paid to any person for or in respect of the resumption of any land for the purposes of this Act, whether such compensation is determined by agreement or by the Court under \**“The Public Works Land Resumption Acts, 1906 to 1940,”* the enhancement or prospective enhancement of the value of any such land resultant or likely to be resultant on the carrying-out or prospective carrying-out of the works or purpose for which the land is resumed shall be entirely disregarded and compensation shall be assessed and fixed accordingly.

Taking not to enhance value of land.

(vi.) If in any proceedings whatsoever it is material to prove that the Commission required to take any land taken by it, a certificate under the hand of the Commission stating that the land concerned was required to be taken by it shall be admissible in evidence and shall be conclusive proof of the fact certified to therein. Evidence in rebuttal of any such certificate shall not be admissible.

Proof that land taken required.

(vii.) (a) Neither section six nor paragraph (i.) of section seven of the Public Works Land Resumption Acts shall apply or extend to or with respect to land required to be taken by the Commission but, in lieu of the said section six, the following provision shall apply, namely :—

Procedure as to taking of land modified.

When the Commission requires to take any land it shall, not less than thirty clear days before the Proclamation in respect of such land prescribed by paragraph (ii.) of section seven of \**“The Public Works Land Resumption Acts, 1906 to 1940,”* is made, serve upon each

\* 6 E. 7 No. 14 and amending Acts, v. 9, p. 1046 *et seq.*

person who to its knowledge is entitled pursuant to section fifteen of such last-mentioned Acts to make a claim for compensation a notice stating that it requires to take such land and containing the particulars hereinafter prescribed.

Such notice shall—

- (i.) Contain a description of the land to be taken sufficient to identify same ;
- (ii.) State that the Commission is willing to treat as to the compensation to be paid in respect of the land taken and all consequential matters.

(b) The Commission may at any time after the service of any notice or notices pursuant to paragraph (a) of this subsection, but before the making of the Proclamation in respect of the land concerned prescribed by paragraph (ii.) of section seven of \**“ The Public Works Land Resumption Acts, 1906 to 1940,”* serve upon every person who has been served with such firstmentioned notice a further notice stating that it is discontinuing the resumption of the land concerned. Service of the further notice or notices prescribed by this paragraph shall discontinue the resumption concerned, and no person shall have any claim for compensation, or any other right or remedy whatsoever against the Crown or the Minister or the Commission, or any other person whomsoever for any loss or damage alleged to have been occasioned (directly or indirectly) by the service of a notice, or further notice as aforesaid except a claim for the amount of any actual damage done to the land concerned by the Commission.

(c) Any such notice or further notice may be served personally or by post, and for the purpose of service by post any such notice shall be properly addressed if it is addressed to the place of abode or business address of the person to be served therewith last known to the Commission.

(d) The omission by the Commission to serve upon any person entitled thereto a notice as prescribed by this subsection shall not prejudice any Proclamation made under paragraph (ii.) of section seven of \**“ The Public Works Land Resumption Acts, 1906 to 1940,”* with

\* 6 E. 7 No. 14 and amending Acts, v. 9, p. 1046 *et seq.*

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respect to any land, and any land included in any such Proclamation shall be deemed to be taken in terms of the Proclamation concerned notwithstanding any such omission, and the omission by the Commission to serve upon any person entitled thereto a further notice as prescribed by this subsection shall not prejudice the discontinuance of any resumption by the Commission.

(e) Subsection three of section eight of \**“The Public Works Land Resumption Acts, 1906 to 1940,”* shall, *mutatis mutandis*, apply and extend to and with respect to any notice or further notice referred to in this subsection as well as to any Proclamation taking land.

(f) It shall not be necessary to mention the works or purpose for which any land is proposed to be or is taken by the Commission in a notice under this subsection or Proclamation under \**“The Public Works Land Resumption Acts, 1906 to 1940,”* with respect to the taking of such land by the Commission, but it shall be sufficient to state that such land is proposed to be or is taken by the Commission.

(g) Subsection one of section eighteen of \**“The Public Works Land Resumption Acts, 1906 to 1940,”* shall not apply or extend to or with respect to land taken by the Commission, but the time limited for making a claim for compensation under such lastmentioned Acts shall be three months from the date of the Proclamation taking the land, except in the case of a claimant not notified by the Commission of its intention to take the land concerned who may claim compensation within three months after the making of such Proclamation came to his knowledge.

(h) Notwithstanding anything contained in any other Act or law or rule or process of law, the court or arbitrator who or which determines the compensation payable for any land taken by the Commission may, at his or its discretion, order payment of the costs of the proceedings: Costs.

Provided that if the amount of compensation as finally determined is the amount claimed by the claimant or is nearer to such amount than to the amount offered by the Commission, costs (if any) shall be awarded to the claimant; otherwise costs (if any) shall be awarded to the Commission.

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Construc-  
tion of  
section.

(i) To the extent necessary to give effect thereto this section shall be read and construed with and as modifying \**“The Public Works Land Resumption Acts, 1906 to 1940,”* and, in so reading, construing, and modifying such lastmentioned Acts, the term “land” shall mean and include land as defined by this Act, and the term “Registrar of Titles” shall mean and include the authority charged with registering instruments of title to the tenure of the land :

Provided that no provision of such lastmentioned Acts shall entitle, or be deemed to entitle, any person to claim compensation in excess of the value of his estate or interest in any land taken by the Commission.

Freehold  
title to  
remain.

(3.) Where land in fee-simple has been purchased or acquired by the Commission, the Registrar of Titles shall issue a certificate of title under †*“The Real Property Acts, 1861 to 1942,”* to the Commission as registered proprietor. Moreover the tenure as land in fee-simple shall remain on any re-sale by the Commission of the land.

Regulations  
for manage-  
ment, &c., of  
houses.

(4.) The Governor in Council may make regulations for or with respect to the management, use, control, regulation and inspection of houses, buildings and land maintained or caused to be maintained by the Commission.

(5.) The foregoing powers shall be in addition to any other powers conferred upon the Commission by this Act.

PART III.—  
ADVANCES  
FOR  
HOUSING  
PURPOSES.

Power to  
Commission  
to make  
advances to  
eligible  
persons for  
erection of  
dwelling-  
houses, &c.

PART III.—ADVANCES FOR HOUSING PURPOSES.

23. (1.) Subject to this Act, in order to assist a person—

- (a) To erect a dwelling-house on land owned by him ;
- (b) To enlarge, alter, repair, improve, or paint a house on land owned by him ;

the Commission may, upon application in writing, make an advance to such person either by instalments or otherwise upon the security of the land on which the dwelling-house is erected or will be erected with the aid of such advances or upon such other security over real or personal property with or without any collateral guarantee as the Commission thinks fit.

\* 6 E. 7 No. 14 and amending Acts, v. 9, p. 1046 *et seq.*

† 25 V. No. 14 and amending Acts, v. 8, p. 163.

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*State Housing Act.*PART III.—  
ADVANCES  
FOR  
HOUSING  
PURPOSES.

(2.) An advance shall not be made under this Part Eligibility. to any person unless the Commission is satisfied that—

- (a) The applicant is the owner of any land for a freehold estate in possession, or is the holder of any miner's homestead lease or residence area granted or registered under \**"The Mining Act of 1898"* (or any Act amending or in substitution for the same); or is the holder of a lease granted under section one hundred and twenty-one of the Land Acts or any enactment in substitution therefor, or is the holder of a perpetual town lease granted under †*"The Clermont Flood Relief Act of 1917,"* or is in possession of any other land the tenure of which under any Act may be accepted as security for an advance under the repealed Act or this Act, or is in possession of any other land which the Governor in Council has by Order in Council made prior to the commencement of this Act approved, or shall by Order in Council hereafter approve; and
- (b) The dwelling-house in respect of which the advance is made is intended to be used by the borrower as a home for himself and his dependants and for no other purpose; and
- (c) Neither the borrower nor the wife or husband (if any) of the borrower is the owner of any other dwelling-house within Queensland or elsewhere.

(3.) Subject as herein provided no such advance Limit of rate of advance. shall exceed sixteen shillings in the pound of the fair estimated value of such dwelling-house and of the land whereon it is or is to be erected:

Provided that the Minister may, on the recommendation of the Commission, cause such limit of advance to be exceeded up to an amount not exceeding eighteen shillings in the pound of such fair estimated value aforesaid if he thinks that, owing to an applicant's large family responsibilities, undue hardship would otherwise result and that it would be fair and equitable to exceed such limit in his case accordingly.

\* 62 V. No. 24, v. 6, p. 429.

† 7 G. 5 No. 30, 1916 Sess. v., p. 7677.

Total limit  
of advance.

(4.) Except as is herein provided no such advance to any one such owner shall exceed, in the case of a wooden dwelling, one thousand pounds, and in the case of a brick or concrete dwelling, one thousand two hundred and fifty pounds :

Provided that the Commissioner may, with the approval of the Minister, place a limit on the value of a dwelling.

Priority of  
application.

(5.) Where any question of priority of approval in respect of any applications shall arise under this section, priority of approval shall be given to a person who at the time of the making of his application shall not be in receipt of an income of more than seven hundred and fifty pounds per annum :

Provided that amounts by way of allowance or increase of income payable to any person to meet the increased cost of living on account of being stationed in different parts of the State shall not be taken into consideration in the estimation of such income of seven hundred and fifty pounds per annum as aforesaid; and for the purposes of this proviso such allowance or increase of income shall be on the basis of the allowance for increased cost of living for the time being payable to officers pursuant to regulations under \**"The Public Service Acts, 1922 to 1924,"* or to employees pursuant to any award or industrial agreement under †*"The Industrial Conciliation and Arbitration Acts, 1932 to 1942"* (or any Acts amending such Acts).

(6.) Whenever any question arises whether any applicant is the owner of a dwelling-house within Queensland or elsewhere, or as to the amount of his income or as to the fair estimated value of the dwelling-house and of the land, the decision of the Commission upon such question shall be final and conclusive for all purposes, and shall not be questioned in any proceedings whatsoever.

Miner's  
homestead  
leases.

(7.) For the purposes of making advances on the security of a miner's homestead lease, as defined by ‡*"The Mining Act of 1898,"* such leasehold shall be considered as if it were held in fee-simple by the lessee thereof.

\* 13 G. 5 No. 31 and amending Acts, v. 7, p. 1139.

† 23 G. 5 No. 36 and amending Acts, v. 4, p. 1020 *et seq.*

‡ 62 V. No. 24, v. 6, p. 429.

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*State Housing Act.*PART III.—  
ADVANCES  
FOR  
HOUSING  
PURPOSES.

(8.) The Commission shall have power and authority to advance to any person who is a borrower from or a purchaser of a dwelling-house from the Commission sums for the purpose of electrical and mechanical equipment including refrigeration, heating, kitchen and laundry equipment, and labour-saving devices, on such terms, conditions, and stipulations and on such security as may be prescribed.

Advances for electrical and mechanical equipment.

(9.) The Commission may make an advance to any person whose home has been condemned by any Local Authority, pursuant to its powers, authorities, and jurisdiction under the Local Government Acts, as unfit for habitation, with a view to enabling such person to repair or rebuild his home so that such home may conform to the by-laws and/or regulations of the Local Authority concerned.

Advances where home unfit for habitation.

Such advance may be made on such terms, provisions, conditions, and stipulations as the Commission may deem fit, or as may be prescribed :

Provided that the Local Authority shall acquaint the Commission with any order made by it condemning the house concerned and/or ordering same to be demolished or repaired, as the case may be.

PART IV.—  
SALE OF  
HOUSES  
UNDER  
CONTRACT  
OF SALE.

## PART IV.—SALE OF HOUSES UNDER CONTRACT OF SALE.

**24.** (1.) Subject to this Part the Commission may sell to any person eligible under this Part any house situate on land vested in the Commission erected in pursuance of this Act together with the land on which it is erected.

Power to Commission to sell houses to eligible persons.

(2.) A house shall not be sold in pursuance of this Part to any person unless the Commission is satisfied that—

Sale of house only to person not already an owner.

- (a) The house is intended to be used by the person as a home for himself and his dependants, and for no other purpose ; and
- (b) Neither the person, nor the wife or husband (if any) of that person, is the owner of any other house in Queensland or elsewhere.

(3.) (i.) Subject to the provisions of this Act, the sale of any house and land as aforesaid shall be upon such terms and subject to such covenants and conditions as are prescribed and the payment of a deposit of not less than twenty per centum of the purchase price :

Terms and conditions of sale.

PART IV.—  
SALE OF  
HOUSES  
UNDER  
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Provided that the Minister may on the recommendation of the Commission cause a less deposit of not less than ten per centum of the purchase price to be accepted if he thinks that owing to an applicant's large family responsibilities undue hardship would otherwise result and that it would be fair and equitable to accept a smaller deposit in his case accordingly.

Purchase price.

(ii.) The purchase price shall be determined in the prescribed manner by reference to the capital cost of the house together with the value of the land on which it is or is to be erected.

Instalments.

(iii.) The purchaser shall pay therefor the balance of purchase money together with interest thereon at the prescribed rate by equal monthly instalments so as to liquidate the debt over the prescribed period, and if the tenure of such land is leasehold, the purchaser shall pay the rent therefor and such rent shall be added to and be payable with the monthly instalment.

Improvements, &c., after contract of sale entered into.

(4.) Any alteration, enlargement, or improvement effected by the Commission of or to a home which is the subject of a contract of sale upon the application of the purchaser thereof shall not prejudicially affect such contract; but the capital cost of such alteration, enlargement, or improvement, or so much thereof, as the Commission deems fit, shall be added to the unpaid purchase money of the home and become part thereof, and the monthly instalment on the home shall be so increased as will permit of the liquidation of the increased purchase money together with interest as prescribed not later than the date of the expiration of the original term of the contract of sale, and the contract of sale shall be deemed to be amended accordingly. The necessary amendments of the contract of sale shall be endorsed upon the instrument, and when signed by the proper officer shall be deemed to be included in and shall become part of the contract of sale and binding on the parties.

(5.) The costs and expenses (if any) of any transfer, mortgage or release executed in pursuance of this Part shall be borne by the purchaser.

Perpetual town and suburban leases.

(6.) (i.) The Minister on the recommendation of the Commission, with the approval of the Governor in Council, may from time to time, by notification in in the *Gazette*, cause any Crown land or land acquired

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PART IV.—  
SALE OF  
HOUSES  
UNDER  
CONTRACT  
OF SALE.

for the purposes of this Act to be open for lease as Perpetual Town Leases or Perpetual Suburban Leases for the purposes of this Act :

Provided that such leases for the purposes of homes shall not be offered at auction, and the only persons authorised or permitted to apply for or hold such leases shall be purchasers of homes erected on such lands and their transferees respectively.

(ii.) Such notification shall state the capital value of the land exclusive of the value of any improvements thereon.

(iii.) As between the Commission and the purchaser under a contract of sale, the following condition shall be imposed until the contract of sale is fully performed, namely :—

Condition  
annexed to  
appurtenant  
land.

The appurtenant land shall not be mortgaged, transferred, subdivided, or let, or abandoned by such purchaser without the consent of the Commission.

Every agreement for transfer or letting contrary to this subsection shall be void and of no effect.

(iv.) Any perpetual lease under this subsection may contain such special covenants, conditions, stipulations, and provisions as may be deemed necessary or requisite for carrying into effect the provisions of this Act.

(v.) The rents in respect of all perpetual leases under this subsection shall be payable monthly in advance on the first day of each month to the Commission, and all such rents from time to time received by it shall be paid into the Fund.

(vi.) Except as herein otherwise provided, every such lease shall be and be deemed to be a Perpetual Town Lease or Perpetual Suburban Lease, as the case may require, under the Land Act ; and the provisions of section one hundred and twenty-one of that Act (save as herein modified), and the provisions of that Act in the said section referred to, shall apply to every such lease so far as the same are applicable : Provided however, that wherever reference is made in any of the said provisions to the Minister the reference shall, for the purposes of leases under this Act, be deemed to be to the Minister charged with the administration of this Act instead of to the Secretary for Public Lands.

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Discretion of  
Commission  
as to  
making of  
contract  
of sale.

**25. (1.)** The Commission may, at its discretion, refuse to enter into a contract for the sale of any land and dwelling-house to any person, unless it is satisfied that the person has a reasonable prospect of carrying out the terms of the contract of sale, or in any case where in its opinion, it is undesirable to enter into the contract.

Sale or  
advance  
may be made  
to husband  
and wife  
jointly.

(2.) A contract of sale may be made jointly with a qualified person and the husband or wife thereof.

Commission  
may  
purchase and  
dispose of  
purchaser's  
interest.

(3.) In the event of a purchaser being desirous of disposing of his interest in any property in respect of which a contract of sale has been entered into under this Act before he has made payment in full to the Commission, the Commission may purchase the interest at such price as is agreed upon, and may, subject to this Act, dispose of the property to any eligible person.

Application  
of Schedule.

(4.) Subject as is herein expressly provided the provisions of the Schedule shall, *mutatis mutandis*, apply in respect of a purchaser under a contract of sale, and to the intent that where the terms "mortgagor" or "mortgage" are referred to therein, such terms shall mean for the purposes of this Part "purchaser" and "contract of sale" respectively.

And where reference is made to the payment of the balance of any advance such reference shall also mean and include a reference to the payment of the unpaid balance of the purchase moneys secured under contract of sale.

PART V.—  
LETTING OR  
LEASING OF  
HOUSES.

PART V.—LETTING OR LEASING OF HOUSES.

Power to  
Commission  
to let or  
lease houses  
to eligible  
persons.

**26. (1.)** The Commission may, on such terms and for such periods and subject to such covenants and conditions as are prescribed, let or lease to any eligible person any house vested in it together with the land on which it is situate.

Preference  
to persons  
from  
reclamation  
areas, &c., in  
respect of  
certain  
houses.

(2.) The Commission shall have authority in letting or leasing any house and land, to give preference to persons who have been displaced from houses in the execution of any Act or law, or are occupying insanitary or overcrowded houses or are living under unsatisfactory housing conditions or are homeless :

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LETTING OR  
LEASING OF  
HOUSES.

Provided that a house shall not be let in pursuance of this Part to any person unless the Commission is satisfied—

- (a) That the house is intended to be used by the person as a home for himself and his dependants and for no other purpose; and
- (b) Neither the person, nor the wife or husband (if any) of that person, is the owner of any other house in Queensland or elsewhere.

(3.) The Governor in Council may make regulations for or with respect to determining the amount of the economic rent which shall be paid by tenants under this Part. Determina-  
tion of rent.

(4.) The rent so determined shall so far as practicable be the full economic rental of the house and land as calculated in the prescribed manner on the capital cost thereof: Provided that the regulations may provide for rebates in such circumstances and subject to such conditions as are prescribed.

(5.) The provisions of the Schedule shall, so far as may be necessary or applicable, *mutatis mutandis*, apply in respect of a tenant or lessee under this Part.

PART VI.—ARRANGEMENTS WITH THE  
COMMONWEALTH.

PART VI.—  
ARRANGE-  
MENTS WITH  
THE  
COMMON-  
WEALTH.

27. (1.) The Commission, with the approval of the Governor in Council, shall take over and assume the management and control and the business of any scheme or arrangement made and entered into between the Commonwealth Government and the State Government for the betterment of housing conditions and for the promotion of social welfare in relation to housing within the State as provided for in this Act or in any manner whatsoever pursuant to such arrangement. Commission  
to manage  
business of  
Common-  
wealth-State  
Housing  
Scheme.

(2.) For the purposes of carrying out the objects and purposes of this Part, all the powers, functions, duties, authorities, and responsibilities of the Commission as provided in this Act (and without limiting the generality of the above provisions, the provisions of Parts IV. and V. of this Act) shall apply and extend to the Commission and the same shall enure and have effect accordingly. Application  
of Act.

PART VI.—  
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MENTS WITH  
THE  
COMMON-  
WEALTH.

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Co-ordina-  
tion of  
housing  
projects.

(3.) Power and authority is also granted to the Commission for the purposes of carrying this Part into effect, of co-ordinating housing projects submitted by housing bodies or housing authorities within the State; and any necessary regulations may be made herein accordingly.

Prior  
arrange-  
ments.

**28.** The Commission shall with like approval in reference to any such Commonwealth and State Housing Scheme or arrangement take over and assume the management and control and business, and all acts, matters and things which, prior to the commencement of this Act, were done or executed by or on behalf of the Minister.

All property real or personal which has, prior to the commencement of this Act, been acquired by the Minister out of funds provided by the Treasurer, and all powers, authorities, and obligations in relation thereto shall, by virtue of this Act and without any transfer or assignment whatever, pass to and become vested in and imposed upon the Commission and be discharged from the Minister.

All land purchased or acquired by the Co-ordinator-General of Public Works, on behalf or for the purposes of the State Advances Corporation pursuant to the powers and authorities imposed and vested in him under \**"The State Development and Public Works Organisation Acts, 1938 to 1940,"* before the commencement of this Act, shall without any transfer or assignment whatever other than this Act be divested from the Co-ordinator-General and shall pass to and become vested in the Commission.

All acts, matters and things made and performed prior to the commencement of this Act and referred to in this section are hereby approved, validated, and confirmed.

Financial  
arrange-  
ments in  
respect of  
Common-  
wealth-State  
Housing  
Scheme.

**29.** (1.) For the purposes of any scheme or arrangement made between the Commonwealth Government and the State Government as hereinbefore in this Part referred to, there is hereby created at the Treasury a fund to be called the "Commonwealth-State Housing Fund" into which fund shall be paid moneys standing

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PART VI.—  
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THE  
COMMON-  
WEALTH.

at credit to "the Housing Relief Fund" at the commencement of this Act, and all moneys which the Treasurer may from time to time make available for the purposes of this fund as are appropriated by Parliament for such purposes.

Into this fund shall be paid all moneys received by the Commission in respect of repayments, rents, and other moneys with respect to the business of the Commission under this Part.

Out of the fund shall be paid all moneys expended in pursuance of this Part in respect of costs of any land and buildings purchased or acquired under this Part and all other costs, charges, and expenses incurred in the administration of this Part.

(2.) The provisions of section seventeen of this Act shall, *mutatis mutandis*, apply in respect of the fund created under this section. Application of s. 17.

(3.) Any financial or other adjustment which may be necessary in regard to the Queensland Housing Commission Fund constituted under this Act or in regard to any other Loan or Trust or other Funds at the Treasury or otherwise may be made and is hereby authorised accordingly. Financial adjustments.

(4.) The administration of this fund shall, subject to any directions made from time to time by the Treasurer, be the duty and functions of the Commission. Administration of fund.

#### PART VII.—MISCELLANEOUS.

PART VII.—  
MIS-  
CELLANEOUS.

**30.** (1.) Save as by this Act is otherwise expressly provided and subject also to any relaxation of those provisions provided in the regulations to meet particular cases or classes of cases, no advance under this Act shall be made— Advances to be secured by mortgage.

- (i.) Except upon the security of a mortgage or mortgages to the Commission over the lands and improvements with respect to which such advance is made and upon such other security over real or personal property as to the Commission seems fit ;
- (ii.) With respect to any land which is encumbered by any previous mortgage or charge other than—
  - (a) A mortgage or security under this Act ; or

- (b) By reason of arrears of rates due to any Local Authority ; or
- (c) A charge in favour of the Crown under the laws in force relating to Crown land or to marsupial-proof fencing or rabbit-proof fencing ; or
- (d) A mortgage to the Treasurer or any person or corporation representing the Crown under \**“ The Sugar Works Guarantee Acts, 1893 to 1895,”* or under any law relating to the construction and control of sugar works :

Provided that in respect of this paragraph (ii.) if the Commission, upon due inquiry, shall consider that the security offering by an applicant for an advance is satisfactory, and there is no undue risk, the Commission may with the approval of the Minister make an advance of such amount as it deems fit and proper under the circumstances notwithstanding that the land is encumbered by any previous mortgage or charge.

(2.) Any owner or occupier of land may, notwithstanding any enactment or law to the contrary, lawfully execute any such mortgage or other security.

(3.) In all cases where a special form of mortgage is prescribed by any Act, the fact that a mortgage or security under this Act is not in such form shall not in any way hinder its registration (where necessary) or limit its effect as a valid mortgage.

Special conditions as to borrowing may be imposed.

**31.** Every advance to a borrower and every contract of sale or lease under this Act shall, in addition to the conditions and stipulations in this Act contained, be subject to such further conditions and stipulations as to the Commission may seem fit, or as may be prescribed.

Restricted application of certain Acts.

**32.** (1.) The provisions of †*“ The Bills of Sale Act of 1891,”* or any Act amending or in substitution for that Act, shall not apply to any mortgage, contract of sale, or other security executed under this Act, or affect

\* 57 V. No. 18 and amending Act, v. 9, p. 150.

† 55 V. No. 23 and amending Acts, v. 6, p. 319.

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the validity or operation of any such mortgage, contract of sale, or security in respect of any chattels comprised therein.

(2.) The provisions of \**The Mercantile Acts, 1867 to 1896*," requiring the registration of mortgages of live stock or liens on wool shall not apply to any mortgage of live stock or liens of wool executed in favour of the Commission.

(3.) No mortgage, contract of sale, or other security executed under this Act, or any release of such mortgage, contract of sale, or security, or any other document or instrument executed for the purposes of this Act, shall be liable to stamp duty (excepting stamp duty on receipts in respect of payments made by the Commission and on building agreements), any enactment to the contrary notwithstanding. Exemption from stamp duty.

**33.** (1.) The Governor in Council may, from time to time, by Order in Council published in the *Gazette* prescribe the rate of interest payable by a borrower to the Commission and by a purchaser of a dwelling-house under contract of sale in respect of— Power of Governor in Council to prescribe rate of interest.

- (a) Any advance made to a borrower by the Commission; and
- (b) The unpaid balance of the purchase moneys secured by a contract of sale by a purchaser with the Commission,

during the period from and including the date of publication in the *Gazette* of such Order in Council to and including the day next preceding the date upon which the next such Order in Council is so published :

Provided that an Order in Council made under this section shall not apply to or in respect of any such advance or contract of sale made or entered into before the date of publication in the *Gazette* of such Order in Council and that the rate of interest payable in respect of any such advance or contract of sale made or entered into before such date shall, notwithstanding the publication of such Order in Council, continue to be the rate payable under or pursuant to this Act.

Borrowers  
and  
purchasers  
to pay  
interest.

(2.) A borrower or purchaser of a dwelling-house under and pursuant to this Act shall—

- (i.) (In the case of a borrower to whom an advance was made by the dissolved Corporation before the date of the commencement of this Act) on and after such date, pay interest at the rate of four pounds per centum per annum in respect of the amount of such advance not repaid on such date ; and
- (ii.) (In the case of a borrower to whom an advance is made by the Commission, or a purchaser of a dwelling-house with whom the Commission enters into a contract of sale during the period from the commencement of this Act to and including the day next preceding the date of publication in the *Gazette* of the first Order in Council made by the Governor in Council pursuant to subsection one of this section) on and from the date such advance is made or, as the case may be, such contract is entered into pay interest at the rate of four pounds per centum per annum in respect of the amount of such advance or, as the case may be, the unpaid purchase money secured by such contract ; and
- (iii.) (In the case of a borrower to whom an advance is made by the Commission or a purchaser of a dwelling-house with whom the Commission enters into a contract of sale during the period from and including the date of publication in the *Gazette* of an Order in Council made by the Governor in Council pursuant to subsection one of this section to and including the day next preceding the date upon which the next such Order in Council is so published) on and from the date such advance is made or, as the case may be, such contract is entered into pay interest at the rate per centum prescribed by the Order in Council first hereinbefore in this paragraph mentioned in respect of the amount of such advance or, as the case may be, the unpaid purchase money secured by such contract.

**34.** (1.) In addition to any other remedy provided by this Act for the recovery of any sum of money payable under any provision of this Act to the Commission by

Money due  
by borrower  
is a debt to  
Crown.

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a borrower or a purchaser or lessee, it is hereby declared that every such sum shall be and remain until payment a debt due by such borrower, purchaser, or lessee to the Crown, and shall be recoverable, in the case of a borrower or purchaser, with interest, by the Commission accordingly.

(2.) The provisions of this Act for securing to the Commission the repayment to it of all advances and payments under this Act shall be in addition to any other remedy which the Commission has against the borrower or purchaser or lessee as a creditor, and the Commission may enforce any such remedy.

Remedies of  
Crown  
cumulative.

**35.** It shall not be lawful to charge, recover, or receive any moneys for or in respect of the procuring, negotiating, or obtaining any advance to a borrower or for entering into a contract of sale under this Act, or under any Act or law in pursuance of which the Commission acts as attorney or agent.

Penalty for  
procurement  
fees.

Any person, firm, company, or association which charges or receives or attempts to charge or receive any moneys for or in respect of the procuring, negotiating, or obtaining any such advance or entering into such contract of sale as aforesaid shall be guilty of an offence and liable to a penalty of not less than fifty pounds or more than two hundred pounds.

**36.** No judgment, order, or decree of any court of law, and in the case of land held under miner's home-stead lease or as a residence area no act or default on the part of the borrower or any other person whereby a forfeiture might result, shall in any way affect the security for any advance made under this Act; and until all instalments and interest payable in respect of the advance have been paid, no process of law or provision of any law in force relating to Crown land or mining or any declaration of forfeiture shall interfere with the security for the same.

Judgment of  
court not to  
affect  
security.

**37.** In construing subsection nine of section thirty-seven of \**"The Co-ordination of Rural Advances and Agricultural Bank Acts, 1938 to 1944,"* for the words "Corporation constituted under the provisions of †*"The State Advances Act of 1916,"* " the words "Queensland Housing Commission, being the Corporation

Construction  
of s. 37 of  
"The Co-  
ordination of  
Rural  
Advances and  
Agricultural  
Bank Act of  
1944."

\* 14 G. 5 No. 41 and amending Acts (consolidated), 1943 Sess. v., p. 163.

† 7 G. 5 No. 17, v. 1, p. 501.

constituted under \**"The State Housing Act of 1945,"* are substituted and section thirty-seven of such Act is read and construed accordingly, and any reference therein to a mortgage or a mortgagor shall so far as this Act and the Commission is concerned also include a purchaser under a contract of sale and a contract of sale under this Act accordingly.

Perfecting  
security over  
holdings  
when  
freehold  
acquired  
subsequent  
to mortgage.

**38.** In every case where an advance has been made under this Act upon the security of a mortgage of a holding the freehold whereof may be acquired from the Crown—

- (a) Section one hundred and sixty of the Land Acts shall apply :

All costs and expenses occasioned in giving effect to this provision shall be borne by the mortgagor, and may, if the Commission thinks fit, be added to and become part of the mortgage debt.

- (b) The Commission may, at any time and notwithstanding the provisions of any Act, acquire the freehold of the holding in the name and on behalf of the mortgagor or his successor in interest, and for that purpose may make all such payments to the Crown as are necessary.

All payments so made by the Commission shall be added to and become part of the mortgage debt, notwithstanding that the amount of the advance is thereby increased to more than the amount prescribed under this Act. The deed of grant of the holding shall be delivered to the Commission, and thereupon the provisions of paragraph (a) hereof shall be observed.

Protection of  
Commission  
and officers  
from  
personal  
liability.

**39.** (1.) No contract entered into by or on behalf of the Commission and no matter or thing done by the Commissioner or by any officer of the Commission or by any other person whomsoever acting under the direction or authority of the Commission or of this Act shall (if the matter or thing was done or the

\* This Act.

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contract was entered into *bona fide* for the purposes of this Act) subject them or any of them personally to any action, liability or claim or demand whatsoever.

(2.) Any expense incurred by the Commissioner or any such officer or other person acting as aforesaid shall be deemed to be an expense authorised by this Act. Expenses.

40. An action shall not be brought against the Commission or Commissioner or any officer or other person, for anything done or intended or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Commission or person to be sued, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent. Notice of action.

On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Unless such notice is proved, the Court shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor or agent, at any time within one month after service of the notice, and in case the same is not accepted may plead such tender.

41. Any person who—

(1) Directly or indirectly unlawfully takes any fee or reward from any applicant under this Act ; Person taking fee or reward.

(2)—

(a) Having any pecuniary interest in any land tendered as security, or interest in any land acquired or to be acquired by the Commission under this Act ; or Acting when interested.

(b) Being a partner of the applicant, acts as valuer or adviser to the Commission in connection with such land ; or

Bribing  
officer.

(3) In respect of any advance or application for any advance, or application for a purchase under a contract of sale, bribes or attempts to bribe or corruptly influence any person appointed or acting under this Act,

shall be liable to a penalty of not less than fifty pounds nor more than two hundred pounds.

Secretary of  
Commission,  
&c., to be  
auctioneer.

42. Notwithstanding anything in any Act to the contrary, the Secretary or other officers of the Commission or other person appointed by the Commission in that behalf shall, in respect of any sales made by or under the authority of the Commission pursuant to this Act, be deemed to be a licensed auctioneer, and shall have the powers and authorities to conduct sales of property by public auction and perform other acts and things in the same manner and with the like powers and authorities as an auctioneer who holds a license pursuant to the provisions of \**"The Auctioneers and Commission Agents Acts, 1922 to 1940"* :

Provided that the Secretary or other person shall not be required to take out an auctioneer's license.

Lessee or  
tenant  
wrongfully  
holding over.

43. (1.) Without prejudice to any other right, power, or remedy of the Commission, when the Commission, in the exercise of its powers under any mortgage thereunder, has entered into and taken possession of the mortgaged land and improvements, and has leased such land and improvements to a lessee on such tenancy as is comprised in the agreement for the lease of the land and improvements concerned, or has placed any tenant in possession, whether on a weekly or any other tenancy, and the term or interest of such lessee or tenant in such land and improvements shall have expired by effluxion of time or shall have been determined by notice to quit or demand of possession, and such lessee or any person claiming under him or tenant who shall actually occupy such land and improvements or any part thereof shall neglect to quit and deliver up possession of such land and improvements or of such part thereof, it shall be lawful for the Commission, by its Secretary or any inspector thereof or person authorised in that behalf by the Secretary, to make a complaint before a stipendiary magistrate or any two justices of the peace, who shall

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hear and determine the matter in a summary way; and on being satisfied of the truth of the complaint such stipendiary magistrate or justices may issue his or their warrant addressed to the Secretary or inspector or person authorised as aforesaid or to a member of the Police Force requiring and authorising him, within a period to be therein named, and not being less than seven nor more than thirty clear days from the date of the warrant, to enter (by force if needful) into such land and improvements and to remove such lessee or person claiming under him or tenant as aforesaid, and to give possession of the same to the Commission, and such warrant shall be a sufficient authority to such secretary, inspector, authorised person, or member of the Police Force to enter upon such land and improvements with such assistants as he shall deem necessary to remove such lessee or person claiming under him or tenant as aforesaid and to give possession to the Commission accordingly :

Provided that no entry upon any such warrant shall be made on a Sunday, Good Friday, Christmas Day, or Anzac Day, or at any time except between the hours of nine o'clock in the morning and four o'clock in the afternoon.

Without in any wise limiting the meaning of the term "Commission" the term shall also mean and include the Commission when acting as agent or attorney for and on behalf of the Crown or Minister of the Crown; and the term "mortgage" shall include a contract of sale.

(2.) Any person who shall have been removed from Penalty. any such lands and improvements pursuant to the provisions of this section and who shall, without the permission of the Commission having been obtained in that behalf, subsequently re-enter such lands and improvements, shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way by complaint under \**"The Justices Acts, 1886 to 1942."*

**44.** The accounts of the Commission shall be Audit of accounts. audited by the Auditor-General who shall have, with respect to such audit and accounts, all the powers and

\* 50 V. No. 17 and amending Acts, v. 4, p. 363.

authorities conferred on him by \**“ The Audit Acts, 1874 to 1936 ”* (or any Act amending or in substitution of the same).

Annual  
report to  
Parliament.

**45.** The Commissioner shall, as soon as may be after the last day of each financial year, submit to the Minister for transmission to Parliament, a report upon the administration by the Commission of this Act and the operations hereunder by the Commission during such financial year.

Orders in  
Council.

**46.** Where power and authority is conferred upon the Governor in Council by this Act to make an Order in Council, he may make such one or more Orders in Council as appear to him necessary or expedient in the circumstances, and either at one and the same time or from time to time.

The Governor in Council may amend or rescind any Order in Council by a subsequent Order in Council.

No misnomer or inaccurate description or omission in or from any Proclamation or Order in Council shall in any wise prevent or abridge the operation of this Act and the Proclamation or Order in Council with respect to the subject-matter provided the same is designated so as to be understood.

Penalties.

**47.** All penalties imposed by or under this Act may be recovered in a summary way under †*“ The Justices Acts, 1886 to 1942,”* upon the complaint of the Secretary or authorised officer of the Commission, and when so recovered shall be paid into the Fund.

Regulations.

**48. (1.)** The Governor in Council may from time to time make regulations for all or any purposes whether general or to meet particular cases, that may be necessary or convenient for the administration of this Act or that may be necessary or convenient to carry out the objects and purposes of this Act.

(2.) Without limiting the generality of the foregoing provision, regulations may be so made and either generally or to meet particular cases for all or any of the following purposes :—

(i.) Regulating applications by persons for advances, contract of sale and/or leases and

\* 38 V. No. 12 and amending Acts, v. 1, p. 461.

† 50 V. No. 17 and amending Acts, v. 4, p. 363.

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the particulars, instruments, undertakings, and documents to be furnished with any such applications and the making of advances contracts of sale and/or leases by the Commission ;

- (ii.) Prescribing the deposits and/or fees payable to the Commission in respect of such applications and advances, contracts of sale and/or leases and other matters arising under this Act ; also empowering the Commission to charge, at such rates as may be prescribed, commission in respect of sales effected by the Commission ;
- (iii.) Prescribing what works shall be improvements for the purposes of this Act ;
- (iv.) The mode in which the value of lands and dwelling-houses and other improvements or capital or economic rental shall be determined ;
- (v.) Forms to be used for the purposes of this Act ; provisions and conditions of and forms of mortgage, contract of sale, or lease, or security and of insurance policies and contracts of sale ; the conditions and covenants to be inserted therein ; modifying any provisions of this Act relating to the security to be taken for advances ;  

Prescribing that certain covenants on the part of the mortgagor or purchaser under contract of sale shall be deemed to be inserted in mortgages, contracts of sale and securities to be used for the purposes of this Act. Whereupon the mortgagor or purchaser shall be bound by such covenants as if such covenants were inserted in and formed part of any mortgage, contract of sale or security executed by him ;
- (vi.) All matters necessary or expedient for enabling the Commission to undertake its investigations under this Act ;
- (vii.) Keeping the accounts of the Commission ;
- (viii.) The functions and duties of inspectors, valuers, Officers, and other officers ;

Generally.

- (ix.) All matters necessary or expedient for enabling the Commission to undertake and carry on business or any part or class of its business under this Act ;
- (x.) Regulating the duties and responsibilities of the Commission, practice and procedure in relation to the powers and duties of the Commission with respect to the matters and things under its jurisdiction or referred to it, and such other administrative matters as may be necessary to give full effect to this Act.

Orders in  
Council, &c.,  
to be  
published in  
*Gazette.*

(3.) All Orders in Council and regulations made under this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were enacted in this Act and shall be judicially noticed.

To be laid  
before  
Parliament.

All Orders in Council and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is in session ; or, if not, then within fourteen days after the commencement of the next ensuing session.

If Parliament passes a resolution disallowing any such Order in Council or regulation of which resolution notice has been given at any time within fourteen sitting days of such House after such Order in Council or regulation has been laid before it, such Order in Council or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime and without prejudice to the power to make any further or other Order in Council or regulation.

For the purposes of this subsection the term “ sitting days ” shall mean days on which the House actually sits for the despatch of business.

Notice to  
borrowers.

(4.) All borrowers, purchasers and lessees and their representatives shall be deemed to have notice of the regulations.

## SCHEDULE.

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Delivery of  
matters in  
possession of  
employee  
at removal.

1. (1.) If any officer is dismissed or is suspended, or resigns, or dies, absconds, or absents himself, and if he or his wife, widow, or any of his family or representatives refuses or neglects, after seven days' notice in writing, to deliver to the Commission or his agent any property as herein defined in the possession or custody of such officer at the occurrence of any such event as aforesaid, then any

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justice of the peace, upon application by the Commission or his agent may order any constable with proper assistance to enter and take possession of such property, and deliver the same to the Commission or his agent, and, if necessary, to remove any person.

(2.) Every officer shall from time to time, when required by the Commission, make and deliver to him or to his agent a true account in writing under his hand of all moneys received by him on behalf of the Commission. Officers to account on demand.

Such account shall state how and to whom and for what purpose such moneys have been disposed of.

Together with such account, he shall deliver the vouchers and receipts for such payments.

He shall pay to the Commission or to his agent all moneys which appear to be owing from him upon the balance of such account.

If he fails to render such account, or to deliver all such vouchers and receipts in his possession or power, or to pay the balance thereof when required, or if for three days after being required he fails to deliver to the Commission or his agent all property in his possession or power, then, upon a complaint made as for a breach of duty, a court of petty sessions may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer, and make such other orders as appear to the court to be just. Summary remedy.

If it appears, either upon his confession or upon evidence or upon inspection of the account, that any moneys which should be paid over to the Commission are in his hands or owing by him, such court may order him to pay the same.

If he refuses to make such account in writing, or to produce and deliver to such court the vouchers and receipts relating thereto, or to deliver up any property, the court may commit him to prison, there to remain until he has complied with such order, or for two years whichever is the shorter period.

(3.) If any officer or agent having in his possession or power any property as herein defined— Bankruptcy, &c., of officer.

(a) Becomes bankrupt or insolvent ; or

(b) Makes an assignment for the benefit of his creditors ; or

(c) Has any execution, attachment, or other process issued against his land, goods, chattels, or effects,

the Commission may apply to such officer or agent, or his assignee or trustee, or to the sheriff or other person executing such process, or to his executors or administrators, or to any other person having legal right, as the case may be, and may demand that all such property be paid over or delivered up to the Commission or such person as he may appoint.

The party so applied to and having the same shall on such demand deliver over to the Commission all such property as aforesaid.

(4.) If the Commission or his agent makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any officer or agent to abscond or that he has absconded, any justice of the peace may, if he thinks fit, issue a warrant in the first instance for the bringing of such officer or agent before such court as aforesaid. When warrant may issue.

Meaning of "property." (5.) For the purposes of this section, the term "property" includes any building or any part thereof or any appurtenance thereof, or any books, papers, securities, documents, or property whatsoever relating to the execution of this Act or the business of the Commission or belonging to the Commission.

Sureties not to be discharged. (6.) No such proceeding against or dealing with any such officer or agent shall deprive the Commission of any remedy which he might otherwise have against such officer or agent or any surety.

*Reserve Fund.*

Reserve fund. 2. The Commission may, out of the net profits earned during any year, set apart or invest or otherwise deal with such sum as he thinks proper towards a reserve fund for the redemption of debentures, for meeting losses and depreciation, and for such other purposes as he deems necessary.

*Debentures.*

Debentures. 3. (1.) Debentures issued under this Act shall be made out in such manner, form, and denominations, and with such checks, indents, and counterfoils, as the Treasurer shall direct.

(2.) Such debentures and all interest thereon shall be guaranteed by the Consolidated Revenue of Queensland, and shall bear interest, payable half-yearly, at such rate per centum per annum as the Commission, with the approval of the Governor in Council, shall fix.

Contracts for negotiation, &c. 4. (1.) The Commission may authorise the deposit for safe keeping and the sale or disposal of any such debentures in Queensland or in places beyond the limits of Queensland, and may appoint any agent or agents to take charge of such debentures and negotiate such sale or disposal on his behalf.

(2.) The Commission may empower the Agent-General of Queensland for the time being, or such other agent or agents as the Commission may appoint, or any one or more of them, to discharge in relation to such debentures deposited under the authority of this Act at any places beyond Queensland, such of the duties of the Auditor-General under this Act as the Commission may direct.

And with respect to such duties the acts of the Agent-General, or such other agent or agents as aforesaid, shall have the same force and effect as if done by the Auditor-General.

Debentures lost, &c. 5. Upon proof being made, on oath, before a Judge of the Supreme Court that any debenture issued under this Act, the number and sum whereof are specified, has been lost or accidentally burnt, defaced, or otherwise destroyed before the same has been paid off, and upon such Judge certifying that he is satisfied with such proof, the Commission may cause a new debenture to be made out bearing the same number, date, currency, principal sum, and rate of interest as the debenture so lost or destroyed, and to be delivered to the person who was the holder of the debenture so lost or destroyed upon his giving sufficient security to the Commission to indemnify him against any double payment if the missing debenture should thereafter be presented for payment.

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6. All debentures issued under this Act, after being paid off and discharged, shall be cancelled, and shall, together with all checks, indents, and counterfoils belonging thereto, be burned or otherwise destroyed in the presence of the Auditor-General and the Under Secretary of the Treasury, who shall certify the fact of such destruction to the Commission.

Cancelling of discharged debentures.

*Applications.*

7. Every application under this Act shall be made in the prescribed form and shall contain such particulars as may be prescribed.

Applications.

*Advances.*

8. Applications for advances pending at the commencement of this Act, and whether or not any advance or instalment has been made, may be dealt with and completed as if such applications were made for advances under this Act.

Applications already made.

9. The amount of every advance under this Act shall be deemed to be a loan by the Commission to the borrower for the term fixed under or pursuant to this Act, and shall bear interest. The rate of interest payable shall be the rate per centum per annum applicable when the application for the advance is approved by it.

Advance to be deemed a loan for prescribed period at prescribed rate of interest.

10. An advance under this Act may be made at the discretion of the Commission in a lump sum or by instalments.

Advances by lump sum or instalments.

11. (1.) It shall be the duty of inspectors to report upon applications for advances under this Act and to inspect from time to time the improvements which are in course of being made by means of such advances.

Inspectors.

If the Commission so thinks fit, any such advance may be made by instalments upon the report of an inspector as the work is being done.

(2.) At any time upon the report of an inspector that any money advanced has not been applied for the purpose for which it was advanced or has been expended in a careless or wasteful manner, the Commission may refuse to pay any further instalment of the proposed advance, and may at once call in the whole amount already advanced, whereupon the borrower shall forthwith repay the same, and in default the Commission shall have the same remedies for the recovery of the same as are provided by this Act for the recovery of sums payable by the borrower.

When Commission may withhold payments.

12. (a) The following provisions apply to all advances by the Commission for dwelling-houses:—

Repayment of advance for dwelling-houses.

For the period ending six months after the date on which the advance or any instalment thereof is made, there shall be paid to the Commission by the borrower interest on the advance at the rate per centum per annum applicable for the advance when the application for the advance is approved by it.

Such interest shall be payable at the prescribed time.

If any advance is made by instalments, interest shall be calculated on the actual amount of the several instalments of such advance from the date when such instalments are advanced.

After the expiration of the said period, the advance with interest at the rate aforesaid shall be repaid by the borrower to the Commission within a term not exceeding twenty-five years in the case of a wooden dwelling-house and not exceeding thirty years in the case of a brick or concrete dwelling-house by payment on the prescribed day of each month in each year, of monthly instalments at such amount for every one hundred pounds as is fixed by the Commission when the application for the advance is approved by it until the whole advance with interest at the rate aforesaid has been repaid :

When any advance has been made by instalments, the Commission may make any adjustment in the calculation of interest or otherwise as in his opinion may be expedient, so as to ascertain and fix the term of the advance and the dates of repayment.

Instalment of home under contract of sale, how computed.

(b) The amount of the monthly instalment of the home payable by the purchaser to the Commission under a contract of sale shall be such sum which if paid on the first day of each month is calculated to be sufficient to liquidate, within a period to be determined by the Commission, not exceeding thirty years, the unpaid purchase money of the home together with interest at the rate per centum per annum applicable when the application for the purchase of the home is approved by it on the outstanding balance of such purchase money at the beginning of each month ; to this shall be added and be payable one-twelfth of the annual land rent if the tenure of such land be leasehold.

Prepayment of unpaid balance of advance.

13. The unpaid balance of any advance under this Act may at the option of the borrower be repaid at any time sooner or in larger instalments than is herein provided, so as to shorten the term of repayment of the advance, but payment of any such larger instalments shall not, unless the Commission otherwise determines, affect the calculation of the amount of the instalment payable.

Additional advances may be added to principal of loan.

14. Any additional advances made to a borrower under the same section of this Act shall, unless the Commission otherwise determines, be added to and become part of the then outstanding balance of the original advance, and bear interest at the same rate ; and the amounts of the monthly instalments payable to the Commission under this Act shall be proportionately increased so that the whole of the advances, with interest as aforesaid, shall be repaid within the prescribed term.

Remedies of the Commission.

15. (1.) If default is made by the borrower in the payment of any sum payable by him to the Commission, or if the borrower commits any breach of any covenant or condition to be observed by him under any mortgage or under this Act, the whole of the debt then remaining unpaid shall forthwith become due and payable, and shall be recoverable, with interest at the prescribed rate, by the Commission accordingly.

(2.) If default is made by the borrower in the payment of any sum of money payable by him to the Commission, then without prejudice to any other remedy, and although no legal demand has been made for the payment thereof, the Commission may enter upon and take possession (for that purpose using such force as may be necessary to eject any occupant) and sell the whole or any part of the land with respect to which the advance has been made, with all

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improvements thereon (or as deemed expedient all or any of such improvements apart from the land and authorising the removal of the same when sold and with or without a subsequent sale of the whole or any part of the land), either by private sale or public auction, and subject to such terms and conditions of sale as he thinks expedient, and after such notice of the time, place, terms, and conditions of sale as he thinks expedient, with power to give time for payment of purchase money, or to allow the purchase money to remain on mortgage at the risk of the borrower, and to vary or rescind any contract for sale, and to buy in at any auction, and to resell without being answerable for any loss, and may transfer or convey such land to the purchaser, and give a valid title thereto :

Provided that, before any land is sold by private sale under this section, it shall first be offered at public auction, due notice of which shall be publicly advertised as prescribed in the locality where the land is situated.

(3.) After the Commission has taken possession of any land under this provision, any occupant who is permitted by him to be or remain in occupation thereof shall pay to the Commission such occupation rent as the Commission may fix.

(4.) The Commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due in respect of such land, and in redemption of any amount charged thereon in favour of the Commission, or of so much thereof as remains unpaid, and of all expenses incurred by the Commission in relation to such sale or otherwise with respect to such land, and shall pay the balance (if any) to the person appearing to the Commission to be entitled to receive the same. Application of proceeds of sale.

(5.) As against mortgagors, the Commission shall not be responsible for involuntary losses or the default of agents or auctioneers.

16. The amount of any interest due and unpaid under a mortgage may from time to time at the option of the Commission be capitalised and added to the amount of advance and every mortgage to secure an advance shall be deemed to provide for such capitalisation. Power to capitalise arrears of interest.

17. As an additional remedy and power, and without modification or abatement of the provisions of the two last preceding clauses whenever land authorised to be sold by the Commission under this Act is offered for sale by public auction and the amount of the highest bidding at such sale is not sufficient to satisfy the moneys due to the Commission, together with the costs and expenses of and occasioned by such attempted sale, or there is no bid, the Commission shall advertise the land for private sale, in at least one newspaper circulating in the district where such land is situated, once at least in each of three successive weeks, and shall in such advertisement name a day and time, not less than one month from the date of the first of such advertisements, upon or after which the land shall vest in the Commission, together with all improvements thereon, unless in the interval a sufficient amount has been obtained by the sale of such land to satisfy the moneys due to the Commission and all costs and expenses of and occasioned by such sale and proceedings, and thereupon if such amount has not been so obtained the land shall vest in the Commission for the whole estate of the borrower, free from any encumbrance : In event of no purchaser land to vest in Commission.

Removal of  
improve-  
ments.

Provided that in any case where the Commission may think it desirable so to do, the Commission may remove from the land in question any dwelling-house and any other improvements or fixtures thereon to some other land either vested in it, or in respect of which it may become a mortgagee or owner under this Act.

Provisions  
for cases of  
hardship.

18. (i.) In cases of hardship the Commission may extend for such period on such terms and conditions as it thinks fit the time for making a repayment of any instalment in respect of an advance or, as the case may be, a repayment of any payment by way of instalment in respect of a contract of sale or, as the case may be, of rent.

(ii.) When the time for making any such payment in respect of an advance or, as the case may be, of a contract of sale has been so extended the payment shall bear interest for the time so extended at the same rate per centum per annum as that which is payable under the mortgage or, as the case may be, under the contract of sale.

Mortgages  
of miners'  
homesteads.

19. In case of a mortgage to the Commission of a miner's homestead—

(i.) The Commission on exercising his powers, may retain possession for any period in his discretion ;

(ii.) It shall not be necessary to furnish the proof required by section eighty-five of \**The Mining Act of 1898*," so long as the rent has been paid for a period of not less than thirty years ;

(iii.) Section ninety-eight of \**The Mining Act of 1898*" shall not apply.

Mortgagor  
to effect  
necessary  
repairs.

20. Every person who has given a mortgage or other security to the Commission shall, during the continuance of the same, to the satisfaction of the Commission or other person authorised in that behalf—

(a) Keep the land comprised in such mortgage or other security free from all noxious weeds and plants, particularly prickly-pear, china apple, noogoora burr, and bathurst burr ; and

(b) Keep in good and tenantable repair all buildings, fences, fixtures, and improvements upon the land ; and

(c) Insure and keep insured all buildings upon the land ; and

(d) Pay all rates and taxes, and perform all the lawful requisitions of any local or other authority with respect to the land ; and

(e) Perform the conditions of any lease and observe the provisions of any Act under which the land is held ;

For the purposes of this section, "repair" includes painting in accordance with the conditions in that behalf contained in the mortgage.

If, after the expiration of two months' notice in writing by the Commission, such person has not complied with the requirements of this clause—

(i.) The like consequences shall follow as are hereinbefore provided in case of default made in the payment of any sum of money-payable under this Act ; or

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- (ii.) The Commission or some person authorised in that behalf may comply with all such requirements and, if necessary for that purpose, enter upon the land, and the expense thereby incurred with interest at the rate per centum per annum applicable for the time being in respect of advances by the Commission shall be repaid to the Commission by the borrower on demand, and if not so paid the Commission may, at his option, either forthwith exercise the powers conferred upon him as aforesaid in case of default made in the payment of any sum of money or add the amount of such expense and interest to the mortgage debt, whereupon the same shall be deemed to be part thereof.

**21.** As between the Commission and the owner or occupier for the time being of any land with respect to which an advance has been made, the following conditions shall be imposed so long as such land is subject to any charge in respect of any periodical payment in favour of the Commission, namely :—

Conditions annexed to land whilst subject to advances.

- (i.) Such land or any part thereof shall not be transferred, subdivided, or let, or abandoned by such owner or occupier or agreed to be so transferred, subdivided, or let without the written consent of the Commission.

Every agreement for transfer or letting contrary to this subsection shall be void and of no effect.

If the owner or occupier transfers, subdivides, or lets such land or any part thereof, or abandons such land, in contravention of this subsection, the Commission may cause the land to be sold.

- (ii.) When on the death of the owner or occupier the land would by reason of any demise, bequest, intestacy, or otherwise become subdivided, the Commission may require the land to be sold within twelve months after the death of the owner or occupier to some one person, and if default is made in selling the same the Commission may cause the same to be sold.

The provisions of this Act, as to sale and application of the proceeds of sale, shall apply to every sale made under this clause.

**22.** Whenever under this Act power is conferred upon the Commission to cause any land to be sold by reason of any default or breach of covenant or condition or otherwise, the Commission may, if he thinks fit, from time to time previous to exercising such power of sale, lease such land or any part thereof for any term not exceeding thirty years.

Power to lease in lieu of selling, &c.

Every such lease shall contain a covenant to pay such rent and observe such conditions as the Commission in each case thinks fit.

The rents and profits from time to time derived from any such lease shall be applied—

- (a) In payment of the costs and expenses from time to time incurred in connection with the lease ;

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(b) In payment of the instalments and other payments (if any) due under this Act ;

(c) In payment of the balance (if any) to the borrower.

Abandoned  
dwelling-  
houses.

23. In any case where the Commission is satisfied that any dwelling-house in respect of which any advance under this Act is outstanding has been abandoned by the borrower and is without a lawful occupant, the Commission may enter upon and take possession of such dwelling-house and the land whereon it is built and retain possession of the same, and may let the same, and shall apply the rents and profits in payment of the costs and expenses from time to time incurred in connection with the land and of the instalments and other payments, if any, due under this Act, and shall hold the balance, if any, in trust for the borrower.

Transfer of  
land.

24. (1.) Where the consent of the Commission is sought to the transfer of any land with respect to which an advance has been made, the Commission may require as a condition to his consent that the transferee shall enter into and execute, in favour of the Commission, such mortgage, bonds, covenants, and other instruments and securities as will effectually secure the payment by the transferee of all sums of money with the prescribed interest advanced to the transferor, and upon the entering into and execution of the same the transferee shall be equally bound thereby as if the advance made to the transferor had been made to the transferee in the first instance.

Letting of  
land.

(2.) Where the consent of the Commission is sought to the letting of any land with respect to which an advance has been made, the Commission may require as a condition to his consent that the lessee shall enter into and execute in favour of the Commission such agreement as will secure to the Commission, when so demanded, all the rents and profits of the land and the attornment of such lessee to the Commission.

Powers of  
Commission  
as lessor.

25. In addition to any other powers and authorities vested in the Commission under and pursuant to this Act the Commission shall in respect to letting or leasing houses have and may exercise all the powers, rights and authorities that a lessor has or may exercise in respect to his lessee under the law in force dealing with landlord and tenant.

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