

New Zealand.**WORKERS' DWELLINGS.****1908, No. 208.**

AN ACT to consolidate certain Enactments of the General Assembly relating to the Erection of Workers' Dwellings.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Workers' Dwellings Act, 1908." Short Title

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All Orders in Council, orders, regulations, special orders, leases, contracts, works, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

"Capital value" means the capital value fixed by the Minister, and shall cover the capital value of the land, the cost (if any) of its acquisition, the cost of survey, roading, subdivision, and other works and operations done on the land (including the cost of erection of the dwelling), the proper proportion of the value of so much of the land as is absorbed by roads or streets, and the estimated cost of administration:

**Interpretation.**  
1905, No. 42, sec. 2  
1906, No. 15, sec. 2

“Land Board” means the Land Board constituted under “The Land Act, 1908,” for the land district within which the worker’s dwelling is situate :

“Lessee” includes the legal representatives of a deceased lessee :

“Minister” means the Minister of Labour :

“Worker” means every person, male or female, who is employed in work of any kind or in manual labour, and who at the time of his application is not in receipt of more than two hundred pounds per annum :

“Worker’s dwelling” means any dwelling erected on land set apart under this Act ; and includes the land on which the same is erected or held therewith, not exceeding half an acre in the case of urban allotments, or one acre in the case of suburban allotments, or five acres in the case of rural allotments ; and also includes all outbuildings and sanitary and drainage arrangements necessary for such dwelling.

Land may be set apart for the purposes of this Act.  
1905, No. 42, sec. 3

3. (1.) The Governor may from time to time, by Order in Council gazetted, set apart for the purposes of this Act any Crown land, whether within a proclaimed goldfield or not, or any land acquired under “The Land for Settlements Act, 1908.”

1905, No. 57, sec. 2

(2.) The Governor may also in like manner set apart for the purposes of this Act the Polhill Gully and the Forts Reserve, Miramar, and any other land reserved for defence purposes which in his opinion is not required for such purposes, in the same manner as if the same were ordinary Crown land.

Minister may erect workers’ dwellings.  
1905, No. 42, sec. 4  
1905, No. 57, sec. 3  
1907, No. 77, sec. 25

4. (1.) On any land so set apart the Minister may cause to be erected buildings suitable for workers’ dwellings, or may convert any buildings into workers’ dwellings ; and may from time to time alter, enlarge, repair, rebuild, and improve such dwellings :

Provided that the cost of such erection or construction shall not in the case of any worker’s dwelling exceed three hundred and fifty pounds if constructed of wood, or four hundred pounds if constructed of brick, stone, or concrete.

Cost of erection, &c.

(2.) All costs incurred under this section shall in the case of ordinary Crown lands be defrayed out of moneys appropriated by Parliament for that purpose, and in the case of lands acquired under “The Land for Settlements Act, 1908,” shall be defrayed (without further appropriation than the appropriation provisions of section eighty-two of that Act) out of moneys to the credit of the Land for Settlements Account.

Disposal of same by lease.  
1905, No. 42, sec. 5

5. Subject to the provisions of this Act, every worker’s dwelling shall be disposed of by the Land Board either on a weekly tenancy or by way of lease for a period of fifty years, with right of renewal, as hereinafter appears.

Application.  
Ibid, sec. 6

6. Every application for a worker’s dwelling shall be in such form and shall contain such particulars as are prescribed by regulations, including in every case a statement that the applicant desires or does not desire to acquire the freehold of his worker’s dwelling ; and, if he does so desire, a further statement of the mode in which he desires to exercise such right.

Qualifications.  
Ibid, sec. 7

7. (1.) Each applicant shall satisfy the Land Board that he is—  
(a.) A worker as herein defined ; and

(b.) Landless (meaning thereby that at the date of his application he is not, either by himself or jointly with any other person, the owner in fee-simple, or the tenant or occupier under a lease, of any land in New Zealand).

(2.) Where more workers than one apply for the same worker's dwelling, preference may be given to the applicant who has the lesser income, provided he is of good character, and the Board is satisfied as to his ability to pay the rent.

Preference to applicant who has the lesser income.  
1906, No. 15, sec. 3

8. Where the worker's dwelling is disposed of on a weekly tenancy, the rent shall be at the rate of five per centum per annum on the capital value of the worker's dwelling, in addition to the cost of insuring the dwelling from fire at its full insurable value, and the estimated amount of rates levied under "The Rating Act, 1908."

Rent.  
1905, No. 42, sec. 8

9. With respect to every lease under this Act the following provisions shall apply:—

Provisions as to leases.  
Ibid, sec. 9

(a.) The payments under the lease shall be payable monthly, and shall be at the rate of five per centum per annum on the capital value of the worker's dwelling (being four per centum for rent and one per centum for depreciation), in addition to the cost of insuring the dwelling from fire at its full insurable value:

Provided that where the lessee desires to acquire the freehold, and so states in his application, the rent shall be at such rate as is hereinafter mentioned.

(b.) The lease shall contain a provision that the lessee may at any time before the expiration of the term have a new lease for a further term of fifty years, containing the same covenants and provisions (including this present provision), at a rent to be fixed by valuation made by three independent persons, one to be appointed by the Minister, one by the lessee, and the third by the two persons so appointed.

(c.) The lease shall also contain such powers, conditions, and covenants as, subject to regulations, the Minister thinks fit to prescribe, including in every case a covenant to reside in the worker's dwelling and also a covenant to maintain and keep all buildings and erections in good order and condition to the satisfaction of the Land Board.

10. Every lessee may acquire the freehold in fee-simple of his worker's dwelling in such one of the following modes as he specifies in his application:—

Modes of acquiring the freehold.  
Ibid, sec. 10

Mode A. By payment in cash of the capital value thereof at any time not less than twenty-five years from the date of his lease, in which case the payments under the lease shall be at the rate of five per centum per annum on the capital value of the worker's dwelling (being four per centum for rent and one per centum for depreciation), in addition to the cost of insuring the dwelling from fire at its full insurable value.

Mode B. (a.) By monthly payments over a period of thirty-two years, at the rate of eight per centum per annum on the capital value (being five per centum for rent, one per

centum for depreciation, and two per centum for capital value), in addition to the cost of insurance as aforesaid.

(b.) By monthly payments over a period of forty-one years, at the rate of six and a half per centum per annum on the capital value (being four per centum for rent, one per centum for depreciation, and one and a half per centum capital value), in addition to the cost of insurance as aforesaid.

Mode C. By an insurance on his life as provided by section eleven hereof.

Acquiring the  
freehold by  
insurance.  
1905, No. 42, sec. 11

11. If the lessee desires to adopt Mode C the following provisions shall apply:—

- (a.) He shall pay a rent which shall be payable monthly, and shall be at the rate of five per centum per annum on the capital value of the worker's dwelling (being four per centum for rent and one per centum for depreciation), in addition to the cost of insuring the dwelling from fire at its full insurable value.
- (b.) He shall insure his life with the Government Insurance Commissioner for the amount of the capital value of the worker's dwelling.
- (c.) Such insurance shall be for any term prescribed for Mode A or B at the end of which he desires to acquire the freehold, and shall be at such yearly premium as is prescribed by the Government Insurance Commissioner so as to produce at the expiration of such term, or on his death before such expiry, the amount insured.
- (d.) The premium so prescribed shall be regularly paid by the lessee, and the insurance policy shall be deposited with the Land Board.
- (e.) On the maturing of the policy the policy-moneys shall be paid to the Board.

When lessee  
entitled to  
certificate of title.  
Ibid, sec. 12

12. Whenever the full amount of the capital value as aforesaid is paid the lease shall (if the rent and other payments, if any, due under the lease have been paid, and the Land Board is satisfied that the conditions and covenants contained in the lease have been duly observed and performed) determine, and the lessee shall be entitled to receive from the District Land Registrar a certificate of title (in the form prescribed by regulations under this Act) for his worker's dwelling.

Residence of owner  
necessary.  
Ibid, sec. 13

13. The owner of a worker's dwelling shall reside therein, and if he fails so to do the Land Board may direct that the certificate of title shall be cancelled, and the District Land Registrar, on receipt of such direction, shall cancel such certificate accordingly, and the worker's dwelling shall thereupon revert in the Crown.

Restrictions on  
disposition of lease  
or freehold.  
Ibid, sec. 14

14. (1.) No disposition of the lease or freehold of any worker's dwelling shall be valid except with the consent of the Land Board.

(2.) The Land Board shall not arbitrarily or unreasonably refuse its consent, but in giving or withholding such consent shall be guided by the purpose and intention of this Act to provide and protect homes for workers and their families.

(3.) For the purposes of this section "disposition" includes sale, assignment, lease, sublease, mortgage, or will.

15. With the consent of the Land Board a lessee may at any time surrender his lease upon terms mutually agreed upon between the Land Board and the lessee. Surrender of lease.  
1905, No. 42, sec. 15

16. (1.) The local authority within whose jurisdiction any workers' dwellings are situate may at any time by special order declare its willingness to undertake the management and control of such workers' dwellings; and thereupon the Minister may, if he thinks fit, by notice in the *Gazette*, vest such management and control in the local authority, subject to the provisions of this Act. Management of  
workers' dwellings  
may be vested in  
local authority.  
Ibid, sec. 16

(2.) The Minister may at any time thereafter (if satisfied that the local authority is not properly managing such workers' dwellings) revoke such notice, and on the gazetting of such revocation the management and control of the workers' dwellings shall revert in the Land Board.

17. On the gazetting of any notice under the last preceding section vesting the management and control of any workers' dwellings in a local authority, the capital value of such dwellings fixed as aforesaid, or so much thereof as then remains unpaid by the lessees, shall be deemed to have been advanced to the local authority by the Minister of Finance under "The Local Bodies' Loans Act, 1908," and the provisions of that Act shall, *mutatis mutandis*, extend and apply accordingly. Thereupon the  
unpaid capital  
value to be deemed  
to be a loan.  
Ibid, sec. 17

18. All moneys received under this Act shall be paid into the Public Account, and shall in the case of ordinary Crown lands form part of the Consolidated Fund, and in the case of lands acquired under "The Land for Settlements Act, 1908," be credited to the Land for Settlements Account. Moneys received to  
go to Public  
Account.  
Ibid, sec. 18

19. The Governor may from time to time, by Order in Council gazetted, make such regulations, not inconsistent with this Act, as may be necessary to the effectual carrying-out of this Act. Regulations.  
Ibid, sec. 19

20. The Minister shall, within thirty days after the commencement of each session, lay before Parliament a statement for the preceding financial year showing— Return to be laid  
before Parliament  
Ibid, sec. 20

- (a.) The moneys expended during the preceding financial year in acquiring land under this Act, and in preparing the same for workers' dwellings, and in erecting such dwellings;
- (b.) The number of dwellings erected, the total number of dwellings leased, and the number of dwellings leased under section nine hereof; and
- (c.) The rentals or other payments contracted for, the amount of such rentals and payments received, and the amount of arrears outstanding.

## SCHEDULE.

## ENACTMENTS CONSOLIDATED.

- 1905, No. 42.—“The Workers’ Dwellings Act, 1905.”  
1905, No. 57.—“The Workers’ Dwellings Act Amendment Act, 1905.”  
1906, No. 15.—“The Workers’ Dwellings Act Amendment Act, 1906.”  
1907, No. 77.—“The Appropriation Act, 1907”: Section 25.

END OF VOLUME V.

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