

TEACHER HOUSING AUTHORITY ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 27, 1975.

An Act to constitute the Teacher Housing Authority of New South Wales and to define its powers, authorities, duties and functions; to provide that certain land shall vest in the Authority; to amend the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

Teacher Housing Authority.

No. 27, 1975 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Teacher Housing Authority Act, 1975".

Commencement. 2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Part III shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act. 3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—TEACHER HOUSING AUTHORITY OF NEW SOUTH WALES—ss. 5–18.

DIVISION 1.—*Establishment of the Authority*—ss. 5–12.

DIVISION 2.—*Operations of the Authority*—ss. 13–18.

PART III.—VESTING OF LAND AND MANAGEMENT OF PROPERTY—ss. 19, 20.

PART IV.—FINANCE—ss. 21–34.

PART V.—GENERAL—ss. 35–45.

SCHEDULE.

Teacher Housing Authority.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

“appointed day” means the day appointed by the Governor under section 2 (2) ;

“Authority” means the Teacher Housing Authority of New South Wales constituted under section 5 (1) ;

“council” means council within the meaning of the Local Government Act, 1919 ;

“executive member” means the member appointed under section 7 (2) (b) ;

“house” means building used for teacher housing or intended to be so used ;

“member” means member of the Authority ;

“Minister for Education” means the Minister of the Crown for the time being administering the Public Instruction Act of 1880 ;

“Minister for Housing” means the Minister of the Crown for the time being administering the Housing Act, 1941 ;

“region” means a part of the State outside the County of Cumberland that is—

(a) a region established under the Regional Organisation Act, 1972 ; and

(b) a part of the State that—

(i) is not within a region referred to in paragraph (a) ; and

(ii) is declared by the Minister, by order published in the Gazette, to be a region for the purposes of this Act ;

“regulation” means regulation made under this Act ;

“school”

Teacher Housing Authority.

No. 27, 1975

“school” includes college within the meaning of the Technical and Further Education Act, 1974;

“school site” means land on which a public school is erected;

“statutory body” means any body declared, under section 36, to be a statutory body for the purposes of this Act;

“teacher” means—

- (a) member of the Teaching Service referred to in Part IV of the Teaching Service Act, 1970;
- (b) person employed in the Department of Technical and Further Education as a lecturer, adviser, supervisor or principal; and
- (c) person employed in the Department of Youth, Ethnic and Community Affairs as a deputy superintendent (educational), educational officer or trained pre-school teacher.

PART II.

TEACHER HOUSING AUTHORITY OF NEW SOUTH WALES.

DIVISION 1.—*Establishment of the Authority.*

Constitution of Teacher Housing Authority of New South Wales.

5. (1) There is hereby constituted a corporation with the corporate name “Teacher Housing Authority of New South Wales”.

(2) The Authority—

- (a) shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or under this or any other Act;

(b)

Teacher Housing Authority.

-
- (b) shall, for the purposes of any Act, be deemed to be No. 27, 1975 a statutory body representing the Crown; and
 - (c) shall, in the exercise and performance of its powers, authorities, duties and functions (except in relation to the contents of a recommendation or report made by it to the Minister), be subject to the control and direction of the Minister.

(3) Notwithstanding subsection (2) (c), the Authority shall, in respect of land vested in or managed by it, fix licence or occupation fees and rentals in accordance with policies approved by the Treasurer from time to time.

6. (1) The principal object of the Authority is to provide and maintain suitable and adequate housing accommodation for teachers. Objects of Authority.

(2) Without limiting the generality of subsection (1) the Authority shall also have as its objects—

- (a) the initiation, promotion, commission and undertaking of surveys and investigations into the housing needs of teachers;
- (b) the undertaking, promotion and encouragement of research into the design, construction and maintenance of housing suitable for teachers;
- (c) the planning of the provision of a comprehensive and co-ordinated housing service for teachers throughout New South Wales;
- (d) the provision, conduct, operation and maintenance of a housing service for teachers; and
- (e) the advising of, and the making of reports and recommendations to, the Minister in respect of matters relating to the housing of teachers.

7.

Teacher Housing Authority.

No. 27, 1975 7. (1) The Authority shall consist of five members of whom—

Appoint-
ment of
members.

- (a) four shall be appointed by the Governor; and
- (b) one shall be the person for the time being holding, or acting in, the office of Under Secretary of the Treasury.

(2) Of the members of the Authority appointed by the Governor—

- (a) one shall be nominated by the Minister for Education and shall, in and by the instrument by which he is appointed, be appointed to be the Chairman of the Authority;
- (b) one shall be nominated by the Minister for Education and shall be a person who, in the opinion of that Minister, has had wide teaching and administrative experience in New South Wales Government schools that is relevant to the duties of the position;
- (c) one shall be nominated by the Minister for Education from panels submitted by associations of teachers registered under the Trade Union Act 1881, or the Industrial Arbitration Act, 1940, within such period as that Minister from time to time directs by notice in writing given to those associations; and
- (d) one shall be nominated by the Minister for Housing and shall, in and by the instrument by which he is appointed, be appointed to be the Deputy Chairman of the Authority.

(3) A panel referred to in subsection (2) (c)—

- (a) shall comprise the names of not less than five teachers each of whom is employed in a region; and

(b)

Teacher Housing Authority.

- (b) shall not contain the name of more than one teacher No. 27, 1975 employed in the same region as regions are established at the time the Minister for Education gives the notice referred to in subsection (2) (c).

(4) If—

- (a) in the opinion of the Minister for Education there is no association referred to in subsection (2) (c);
or
- (b) no panel constituted as referred to in subsection (3) is submitted to that Minister within the time specified in the notice referred to in subsection (2) (c),

the Governor may appoint a teacher who resides in a region at the time the appointment is made and who is nominated by the Minister for Education to be the member referred to in subsection (2) (c) instead of the member required to be nominated from a panel.

(5) The member holding office pursuant to section 7 (1) (b) may from time to time by writing under his hand appoint an officer of the Treasury to act on his behalf as his deputy, either generally or for any particular meeting of the Authority.

(6) An appointment under subsection (5) may be revoked by the member holding office pursuant to section 7 (1) (b) in the same manner as it was made.

8. The person appointed under section 7 (2) (b)— **Executive member.**
- (a) shall be the executive member of the Authority;
- (b) shall devote the whole of his time to the duties of his office; and
- (c) shall be paid such annual salary and allowances as the Governor may from time to time determine in respect of him.

9.

Teacher Housing Authority.

No. 27, 1975

Preservation
of rights of
certain
executive
members.

9. (1) In this section "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subsection (3) and to the terms of his appointment, where an executive member was, immediately before his appointment as executive member—

- (a) an officer of the Public Service or a member of the Teaching Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, member, contributor or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as executive member; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, member, contributor or person during his service as executive member, and—

- (h) his service as executive member shall be deemed to be service as an officer, member or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; **and**

(i)

Teacher Housing Authority.

(i) he shall be deemed to be an officer or employee, ^{No. 27, 1975} and the Authority shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this section.

(3) An executive member who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, shall not be so entitled upon his becoming (whether upon his appointment as executive member or at any later time while he holds office as executive member) a contributor to any other superannuation scheme, and the provisions of subsection (2) (i) cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to an executive member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) Where an executive member referred to in subsection (2) contributes to a superannuation scheme, the Authority shall pay to the board or other authority administering that superannuation scheme such amounts as would have been payable if the executive member had continued to be employed by the employer by whom he was employed immediately before his appointment as executive member at the same salary and allowances as he receives as executive member.

(6) An executive member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

(7) An executive member who, immediately before his appointment as executive member, is an officer of the Public Service or a member of the Teaching Service and who ceases to be an executive member otherwise than pursuant to

section

Teacher Housing Authority.

No. 27, 1975 section 11 (1) (paragraph (h) excepted) or section 11 (2) is, if he is under the age of sixty years, entitled to be appointed to some office in the service in which he was previously an officer or member not lower in classification and salary than that which he held immediately before his appointment as executive member.

Provisions
relating to
members
generally.

10. (1) A member (other than the member holding office under section 7 (1) (b)) shall, subject to this Act, hold office for a term of five years and shall, if otherwise qualified, be eligible for re-appointment.

(2) On the occurrence of a vacancy in the office of a member appointed by the Governor otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office as a member for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 7 (2) as his predecessor.

(3) The Governor may appoint a person other than a member, being a person qualified and nominated under the same paragraph of section 7 (2) as the member, to act in his place while that member is from time to time absent from that office through illness or any other cause, and the person so appointed shall, while so acting, be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of the member in whose place he has been appointed to act.

(4) A person who is of or above the age of sixty-five years shall not be appointed as a member or be appointed under subsection (3).

(5)

Teacher Housing Authority.

(5) The provisions of the Public Service Act, 1902, No. 27, 1975 and the Teaching Service Act, 1970, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of either of those Acts during his term of office.

(6) The Minister may fix allowances in respect of the members of the Authority, other than the executive member, and travelling expenses in respect of all members of the Authority.

(7) In the case of the absence through illness or any other cause of the Chairman, the Deputy Chairman shall, if a person has not been appointed under subsection (3) to act in the office of Chairman, act in his place, and while so acting shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.

(8) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a member in accordance with subsection (3), or the Deputy Chairman to act in the place of the Chairman in accordance with subsection (7), and all things done or omitted by the person or the Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or the Chairman, as the case may be.

11. (1) A member shall be deemed to have vacated his office— **Vacation of office.**

- (a) if he dies;
- (b) if, being the executive member, he engages during his term of office in any paid employment outside the duties of his office without the approval in writing of the Minister;

(c)

Teacher Housing Authority.

No. 27, 1975

- (c) if, being the executive member, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless such absence is occasioned by illness or other unavoidable cause;
- (d) if, being a member other than the executive member, he is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given him either personally or in the ordinary course of post unless on leave granted by the Authority or unless he is, before the expiration of four weeks after the last of those meetings, excused by the Authority for his absence from those meetings;
- (e) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary, remuneration or allowances, or of his estate, for their benefit;
- (f) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (g) if he is convicted in New South Wales of a felony or misdemeanour punishable by imprisonment for twelve months or upwards or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (h) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;

(i)

Teacher Housing Authority.

- (i) if, at any meeting of the Authority at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
- (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,
- the agreement, proposed agreement or other matter;
- (j) if, by virtue of his office as a member, except as provided in paragraph (b), he accepts or acquires any personal profit or advantage otherwise than under this or any other Act;
- (k) if, being the member referred to in section 7 (1) (b), he ceases to be qualified as provided by section 7 (1) (b);
- (l) if, not being the member referred to in section 7 (1) (b), he is removed from office by the Governor; or
- (m) on the day on which he attains the age of sixty-five years.

(2) The Governor may, for any cause which to him seems sufficient, remove any member (other than the member referred to in section 7 (1) (b)) from office.

(3) Where—

- (a) under section 6A (1) (c) of the Companies Act, 1961, a member has, for the purposes of Part VI^B of that Act, a relevant interest in a share in a

company

Teacher Housing Authority.

No. 27, 1975

company all or any of the shares in which are listed for quotation on the official list of a stock exchange in Australia; and

- (b) the company has a direct or indirect pecuniary interest in any agreement or proposed agreement or in any other matter the subject of consideration at a meeting of the Authority,

the member does not, by reason only of that relevant interest, have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

Staff
establish-
ment of
Authority
and appoint-
ment of
officers and
employees.

12. (1) The Governor may appoint and employ, under and subject to the provisions of the Public Service Act, 1902, such officers and employees as may be necessary to enable the Authority to exercise and perform its powers, authorities, duties and functions under this or any other Act.

(2) For the purpose of exercising and performing the powers, authorities, duties and functions conferred or imposed on the Authority by this Act, the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(3) The Authority may for the like purpose with the approval of any statutory body, public authority or council make use of the services of any of the officers, servants or employees of that statutory body, public authority or council, as the case may be.

DIVISION 2.—Operations of the Authority.

Powers,
authorities,
duties and
functions of
Authority.

13. (1) The Authority shall have, and may exercise and perform, such powers, authorities, duties and functions as are reasonably necessary for the attainment of its objects.

(2)

Teacher Housing Authority.

(2) Without limiting the generality of subsection No. 27, 1975 (1), the Authority may, for the purpose of attaining its objects—

- (a) acquire land not exceeding one hectare in area or, subject to section 16 (1), with the consent in writing of the Minister, exceeding one hectare in area by purchase, lease or exchange or, in accordance with section 14 (1), by resumption or appropriation;
- (b) erect, or acquire by purchase, lease or exchange, houses and other buildings;
- (c) let out to teachers, on licence or lease, for such term and, subject to section 5 (3), on such conditions as the Authority determines, houses erected on land vested in or managed by the Authority;
- (d) let out, on licence or lease, for such term and, subject to section 5 (3), on such conditions as the Authority determines, houses erected on land vested in or managed by the Authority that are not required for occupancy by teachers to other persons;
- (e) maintain houses erected on land vested in or managed by the Authority;
- (f) alter, enlarge, repair, rebuild or otherwise effect improvements to or in respect of any building erected on land vested in the Authority;
- (g) in accordance with any agreement with the person in whom land managed by the Authority is vested, alter, enlarge, repair, rebuild or otherwise effect improvements to or in respect of houses erected on that land;
- (h) plan and subdivide, and set out and construct roads on, land vested in the Authority and provide services to or in respect of lots created by any such subdivision;

(i)

Teacher Housing Authority.

No. 27, 1975

-
- (i) lease vacant land vested in the Authority and land vested in the Authority on which erections, not being houses, are constructed, to such persons, for such term and, subject to section 5 (3), on such conditions, as the Authority determines;
 - (j) with the approval in writing of the Minister—
 - (i) exchange land vested in the Authority for other land and give or receive consideration for equality of exchange;
 - (ii) sell land vested in the Authority;
 - (iii) sell or dispose of (except by demolition) houses erected on land vested in the Authority;
 - (iv) sell or dispose of (except by demolition) houses, which the Authority has erected on land that is not vested in the Authority, which do not form part of the land; or
 - (v) grant easements or rights of way over any land vested in the Authority;
 - (k) demolish any erection on any land vested in the Authority or, in accordance with and subject to any agreement with the person in whom any land managed by the Authority is vested, demolish any erection on that land; and
 - (l) make and enter into contracts or agreements or arrangements with any person, Government Department, statutory body, public authority or council for the performance of services, or for the purchase, or for the supply by way of loan or hire, of goods, plant, machinery or material, for or in connection with the exercise or performance by the Authority of its powers, authorities, duties and functions under this Act.

Resumption
or appropriation
of land.

14. (1) For the purposes of this Act the Governor may under the Public Works Act, 1912, resume any land, and appropriate any land vested in Her Majesty, or in any person in trust for Her Majesty.

(2)

Teacher Housing Authority.

(2) A resumption or appropriation under subsection **No. 27, 1975**
 (1) shall be deemed to be for an authorised work, and the
 Authority shall be deemed to be the Constructing Authority.

(3) The provisions of the Public Works Act, 1912,
 sections 34, 35, 36 and 37 excepted, apply to and in respect of
 the acquisition of land under this section.

15. A contract or agreement made pursuant to section 13 **Contracts.**
 (2) (1) shall be deemed, for the purpose of the Constitution
 Act, 1902, to be a contract or agreement for or on account of
 the Public Service of New South Wales.

16. (1) The Authority may acquire by gift, bequest or **Authority**
 devise any property for the purposes of this Act and may **may accept**
 agree to the condition of any such gift, bequest or devise. **gifts, etc.**

(2) The rule of law against the remoteness of vesting
 does not apply to a condition of a gift, bequest or devise to
 which the Authority has agreed.

(3) The Stamp Duties Act, 1920, does not apply to
 or in respect of any gift, bequest or devise made to the
 Authority.

17. (1) The Authority may by instrument in writing **Delegation.**
 delegate to the executive member or to an officer or employee
 appointed under the Public Service Act, 1902, the exercise or
 performance of such of the powers (other than this power of
 delegation), authorities, duties or functions conferred or
 imposed on the Authority by or under this Act as may be
 specified in the instrument of delegation and may in like
 manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise
 or performance of which has been delegated under this section
 may, while the delegation remains unrevoked, be exercised or
 performed from time to time in accordance with the terms
 of the delegation.

(3)

Teacher Housing Authority.

No. 27, 1975 (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Authority may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Authority and shall be deemed to have been done or suffered by the Authority.

**Meetings
of the
Authority.**

18. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Authority.

(2) The Chairman shall preside at all meetings of the Authority at which he is present.

(3) In the absence from a meeting of the Chairman, of the Deputy Chairman and of any person appointed under section 10 (3) to act in the office of Chairman, the executive member shall preside at that meeting and while so presiding shall be deemed to be the Chairman and shall have the immunities, powers, authorities, duties and functions of the Chairman.

(4) Three members shall form a quorum at any meeting of the Authority and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and perform all the powers, authorities, duties and functions of the Authority.

(5)

Teacher Housing Authority.

(5) In the event of an equality of votes at any meeting of the Authority the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote. No. 27, 1975

(6) A decision supported by a majority of votes at a meeting of the Authority at which a quorum is present shall be the decision of the Authority.

(7) The Authority shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept and shall submit to the Minister a copy of the minutes of each meeting within fourteen days after the day on which it was held.

(8) No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by any member or by any other person acting under the direction or as a delegate of the Authority shall, if the matter or thing was done, or the contract was entered into, bona fide for the purpose of executing this Act, subject the member or person so acting personally to any action, liability, claim or demand.

(9) Nothing in subsection (8) shall exempt any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General, and which that member or other person authorised or joined in authorising.

PART

PART III.

VESTING OF LAND AND MANAGEMENT OF PROPERTY.

Transfer of
interests
in land to
Authority.

19. (1) On and from a day specified in an agreement between a Minister (other than the Minister for Education) or The Housing Commission of New South Wales and the Authority, any land that—

- (a) is vested, for any estate or interest, in the Minister who is a party to that agreement or in The Housing Commission of New South Wales; and
- (b) is specified in that agreement,

shall vest, for that estate or interest, in the Authority.

(2) The day specified in an agreement referred to in subsection (1) shall not be a day before the appointed day or a day more than three months after the appointed day.

(3) On and from the appointed day, any land—

- (a) vested in Her Majesty for the purposes of the Public Instruction Act of 1880, in the Minister for Public Instruction or in the Minister for Education; and
- (b) on which a house is erected,

shall, except where the land forms part of land which is a school site, vest—

- (c) where the land is land so vested in Her Majesty—in the Authority; or
- (d) where the land is land vested, for any estate or interest, in the Minister for Public Instruction or the Minister for Education—in the Authority for that estate or interest.

(4) Where the Minister for Education certifies—

- (a) that an agreement is an agreement for the purpose of subsection (1); or

(b)

Teacher Housing Authority.

(b) that, for the purpose of subsection (3)— No. 27, 1975

- (i) a house is erected on land described in the certificate; and
- (ii) the land so described does not form part of land that is a school site,

the certificate is, for the purpose of any application by the Authority under section 46c of the Real Property Act, 1900, to become registered as the proprietor of land referred to in the agreement or described in the certificate, conclusive evidence of the facts stated in the certificate.

(5) On and from the day on which land specified in an agreement referred to in subsection (1), or referred to in subsection (3), vests in the Authority—

- (a) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the person in whom that land was vested in connection with that land shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Authority;
- (b) all proceedings commenced before that day by the person in whom that land was vested in connection with that land and pending immediately before that day shall be deemed to be proceedings pending on that day by the Authority and all proceedings so commenced by any person against the person in whom that land was vested in connection with that land pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Authority;
- (c) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the person in whom that land was vested in connection with that land and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Authority;

(d)

Teacher Housing Authority.

No. 27, 1975

- (d) the Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the person in whom that land was vested might have done in connection with that land but for the enactment of this Act;
- (e) the Authority may enforce and realise any security or charge existing immediately before that day in favour of the person in whom that land was vested in connection with that land and may exercise any powers thereby conferred on the person in whom that land was vested as if the security or charge were a security or charge in favour of the Authority;
- (f) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the person in whom that land was vested in connection with that land shall be debts due, moneys payable by and claims recoverable against, the Authority; and
- (g) all liquidated and unliquidated claims for which the person in whom that land was vested would, but for the enactment of this Act, have been liable in connection with that land shall be liquidated and unliquidated claims for which the Authority shall be liable.

(6) No attornment to the Authority by a lessee from the person in whom any land specified in an agreement referred to in subsection (1), or referred to in subsection (3), was vested, is required.

(7) A person who, immediately before the day on which any land specified in an agreement referred to in subsection (1), or referred to in subsection (3), vests in the Authority was a licensee of any such land is, on and from that day, a licensee of that land from the Authority.

Teacher Housing Authority.

20. (1) On and from the appointed day, any land— **No. 27, 1975**

(a) vested in Her Majesty for the purposes of the Public Instruction Act of 1880; or **Management of lands by Authority.**

(b) vested for any estate or interest in the Minister for Public Instruction or in the Minister for Education,

on which a house is erected shall, where it forms part of land which is a school site, be managed by the Authority until the Minister informs the Authority in writing that the land being so managed is required for school purposes.

(2) Where—

(a) land is vested in Her Majesty, or is vested for any estate or interest in a Minister, other than the Minister for Public Instruction or the Minister for Education, or is vested for any estate or interest in a statutory body, other than The Housing Commission of New South Wales or the Authority;

(b) a house is erected on that land; and

(c) that house is occupied by a teacher,

the Authority may enter into an agreement in writing authorising the Authority to manage that land for such term as is, and subject to such conditions as are, specified in that agreement.

(3) Moneys received by the Authority in respect of land managed by the Authority shall be retained by the Authority.

PART

Teacher Housing Authority.

No. 27, 1975

PART IV.

FINANCE.

Teacher
Housing
Authority
Account.

21. (1) There shall be established in the Special Deposits Account in the Treasury a Teacher Housing Authority Account into which shall be deposited all moneys received by the Authority and from which shall be paid all amounts required to meet expenditure incurred in accordance with the provisions of this Act including any amount for which the Authority is liable under the Capital Debt Charges Act, 1957.

(2) The Treasurer may, out of moneys provided by Parliament, from time to time make such contributions to the funds of the Authority as may be determined by the Treasurer.

Accounts
to be kept
by the
Authority.

22. (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in the form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

Audit of
accounts.

23. (1) The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law now or hereafter to be in force relating to the audit of public accounts, and the Audit Act, 1902, shall apply to the members of the Authority and its officers, employees or other servants in the same manner as it applies to accounting officers of public Departments.

(2)

Teacher Housing Authority.

(2) The Auditor-General shall report to the No. 27, 1975
 Authority and the Minister—

- (a) whether or not in his opinion—
- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
 - (ii) the expenditure incurred has been duly authorised, vouched and supervised; and
 - (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of any such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Treasurer may decide.

24. (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance moneys to the Authority upon such terms and conditions as to repayment and interest as may be agreed upon.

25. The Authority may, from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for— Purposes for which money may be borrowed.

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;

(b)

Teacher Housing Authority.

No. 27, 1975

- (b) the renewal of loans ;
- (c) the discharge, or partial discharge, of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

Reserves
for re-
payment.

26. (1) The Authority shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Authority.

(2) The Authority shall, during each year, transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for approval of the loan intimated that it proposed to transfer to that fund.

(3) Moneys held as reserve for loan repayment may be invested in Government securities of the Commonwealth or of the State of New South Wales, or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority, or in any securities guaranteed by the Government of that State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realised on any such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6)

(6)

Teacher Housing Authority.

(6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, then, in addition to the sum otherwise payable to the reserve for loan repayment in respect of that loan, the Authority shall, subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan. No. 27, 1975

(7) If after a loan has been repaid there remains in the reserve for repayment of that loan any balance, that balance shall form part of the funds of the Authority.

(8) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

27. (1) For securing repayment of the principal and interest on any moneys borrowed, the Authority may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities. Debentures,
&c.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4)

Teacher Housing Authority.

No. 27, 1975 (4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

**Raising
loans in
any
country.**

28. (1) Notwithstanding any other provision of this Act, any money which the Authority is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Authority may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of section 26 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this section, the Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subsection (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by

(4)

any

Teacher Housing Authority.

any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Authority thinks fit. No. 27, 1975

(5) Copies of any agreement referred to in subsection (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Authority, by notification published in the Gazette appoint two or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this section authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this section provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subsection (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Authority and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Authority from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any

instruments

Teacher Housing Authority.

No. 27, 1975 instruments purporting to be made or issued under the authority of this section and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this section and the law in force in the place where any loan is raised under this section and applicable to that loan and the securities issued in connection therewith, the provisions of this Act, other than sections 27 (1), 30 (3) and 30 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Payment of
debentures
and
coupons.

29. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Authority of the interest specified in the coupon upon its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Authority, and the interest thereon, shall be a charge upon the income and revenue of the Authority from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subsection (2) shall be discharged out of moneys provided by Parliament.

(4)

Teacher Housing Authority.

(4) The charge created by subsection (2) shall not prejudice or affect the power of the Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it. No. 27, 1975

30. (1) If any debenture or bond issued by the Authority is lost, destroyed or defaced before it has been redeemed the Authority may, subject to the provisions of this section, issue a new debenture or bond in its place. Lost debentures.

(2) A new debenture or bond, issued under subsection (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

- (a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;
- (b) such advertisements as that Court may direct have been published;
- (c) six months have elapsed since the publication of the last of those advertisements; and
- (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

(5)

Teacher Housing Authority.

No. 27, 1975

(5) The provisions of this section shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this section, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under section 28, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Authority of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Securities
rank
equally.

31. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise.

Protection
of
investors.

32. (1) A person advancing money to the Authority shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Authority shall, in favour of a lender and of any holder of any security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Authority in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

33.

Teacher Housing Authority.

33. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Authority or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925. No. 27, 1975
Trustees.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Authority or by any officer or employee of the Authority in relation to any debenture or coupon issued or stock inscribed by the Authority.

34. (1) For the purposes of the Capital Debt Charges Act, 1957, the loan liability of the Authority is— Loan
liability of
Authority.

- (a) the capital debt of the Authority on the day that is three months after the appointed day; and
- (b) such other amounts as are, from time to time, appropriated to the Authority from the general loan account.

(2) The capital debt referred to in subsection (1) (a) shall be determined by the Treasurer and in the determination thereof the Treasurer shall have regard to recent valuations by the Valuer-General of land vested in the Authority on the day referred to in subsection (1) (a) and such other factors as the Treasurer considers to be relevant.

Teacher Housing Authority.

No. 27, 1975

PART V.

GENERAL.

Disclosure
of infor-
mation.

35. If a member or other person discloses any information obtained in connection with the administration or execution of this Act and that disclosure is not made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- (d) with other lawful excuse,

that member or other person is guilty of an offence against this Act and, on conviction by a court of petty sessions constituted by a stipendiary magistrate, is liable to a penalty not exceeding \$1,000 or to imprisonment for a term not exceeding six months.

Declaration
of statutory
bodies.

36. (1) The Housing Commission of New South Wales is, for the purposes of this Act, a statutory body.

(2) The Governor may, by proclamation published in the Gazette, declare any body (other than The Housing Commission of New South Wales) constituted by or under any Act other than this Act to be a statutory body for the purposes of this Act.

Liability of
Authority
for rates.

37. Notwithstanding any provision of any other Act, where a house is erected on land vested in or managed by the Authority—

- (a) the land is ratable land; and

(b)

Teacher Housing Authority.

(b) a rate payable in respect of that land shall be paid by the Authority to the person by whom the rate is levied. No. 27, 1975

38. In any legal proceedings by or against the Authority no proof shall be required (until evidence is given to the contrary) of— Proof of certain matters not required.

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member or any officer or employee of the Authority; or
- (d) the presence of a quorum at any meeting of the Authority.

39. Any notice, summons or other proceeding required to be served on the Authority may be served by being left at the office of the Authority, or, in the case of a notice, by sending it by post addressed to the Authority at its office. Manner of serving certain documents on Authority.

40. Any summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the executive member or by any other officer or employee authorised to do so by the Authority. Authenticat- tion of certain documents of Authority.

41. (1) Proceedings in respect of any damage or injury to a person or to property shall not be commenced against the Authority or any member, officer or employee of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority, member, officer, employee or person as provided in this section. Notice of proceedings for damage or injury.

(2)

Teacher Housing Authority.

No. 27, 1975

(2) The notice referred to in subsection (1) shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) Where notice is given in respect of damage to property, any person who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the trial of any proceedings referred to in subsection (1) the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court in which the proceedings are pending may, if the court deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions if any, as the court may specify; or
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the proceedings.

(5) Proceedings referred to in subsection (1) shall be commenced within the period (in this section referred to as the "specified period") of twelve months next after the cause of action arises but, where an application is made to the Supreme Court for an extension of the specified period, that Court may, if it is satisfied that sufficient cause has been

shown

Teacher Housing Authority.

shown or that, having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the specified period for such further period and subject to such terms and conditions, if any, as may be specified in the order. No. 27, 1975

(6) An application for extension of the specified period may be made either within the specified period or at any time within twelve months thereafter.

(7) The Authority or any member, officer, employee or person to whom any notice of proceedings referred to in subsection (1) is given, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of the notice and if the tender is not accepted may plead the tender as a defence to the proceedings.

(8) This section is in aid and not in derogation of the provisions of any other Act conferring or imposing powers, authorities, duties or functions on the Authority.

42. Any charge, fee or money due to the Authority in respect of any of the activities of the Authority under the provisions of this Act or any regulation may be recovered by the Authority as a debt in a court of competent jurisdiction. Recovery of charges, etc., by the Authority.

43. (1) As soon as practicable after the thirtieth day of June in each year the Authority shall prepare and submit to the Minister a report of its work and activities for the twelve months preceding that date. Annual report.

(2) The Minister shall lay that report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

44.

Teacher Housing Authority.

No. 27, 1975 Regulations. **44.** The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Amendment of Acts. **45.** Each Act specified in column 1 of the Schedule is amended in the manner specified opposite that Act in column 2 of the Schedule.

Sec. 45.

SCHEDULE.
AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 31..	Public Service Act, 1902.	Section 17— Omit "If", insert "Except as provided in subsection (2), if". Insert at the end of the section the following subsection:— (2) If any officer or employee is allowed to use, for the purpose of residence, any building or part of a building or any land vested in or managed by the Teacher Housing Authority of New South Wales, an amount fixed by that Authority in respect of rent shall be deducted from the salary of that officer or employee and paid to that Authority

SCHEDULE

*Teacher Housing Authority.*SCHEDULE—*continued.*

No. 27, 1975

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1957, No. 1 ..	Capital Debt Charges Act, 1957.	Schedule— Insert at the end the following words:— The day Teacher Teacher that is Housing Housing three Authority Authority months of New Act, 1975. after South Wales. the appointed day within the meaning of the Teacher Housing Authority Act, 1975.
1970, No. 4 ..	Teaching Service Act, 1970.	Section 42— Omit "Where", insert "Except as provided in subsection (2), where". Insert at the end of the section the following subsection:— (2) Where an officer or employee is allowed to use, for the purpose of residence, any building or part of a building or any land vested in or managed by the Teacher Housing Authority of New South Wales, an amount fixed by that Authority in respect of rent shall be deducted from the salary of that officer or employee and paid to that Authority.