

# Teacher Housing Authority Act 1975 No 27

[1975-27]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
*Miscellaneous Acts (Local Court) Amendment Act 2007 No 94* (not commenced)

### Authorisation

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# Teacher Housing Authority Act 1975 No 27



New South Wales

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.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Teacher Housing Authority Act 1975*.

### 2 Commencement

- (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.
- (2) Part 3 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.

### 3 (Repealed)

### 4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**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 1993*.

**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 *Education Act 1990*.

**Minister for Housing** means the Minister of the Crown for the time being administering the [Housing Act 2001](#).

**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** includes a TAFE establishment within the meaning of the [Technical and Further Education Commission Act 1990](#).

**school site** means land on which a public school is erected.

**teacher** means:

- (a) a member of the Teaching Service, and
- (b) a person employed in the Department of Youth and Community Services as a deputy superintendent (educational), educational officer or trained pre-school teacher.

(2) Notes included in this Act do not form part of this Act.

## **Part 2 Teacher Housing Authority of New South Wales**

### **Division 1 Establishment of the Authority**

#### **5 Constitution of Teacher Housing Authority of New South Wales**

- (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) shall, for the purposes of any Act, be deemed to be 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.

#### **5A (Repealed)**

### **6 Objects of Authority**

- (1) The principal object of the Authority is to provide and maintain suitable and adequate housing accommodation for teachers.
- (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 Appointment etc of members**

- (1) The Authority shall consist of 6 members of whom:
- (a) 4 shall be appointed by the Governor,
    - (a1) one is to be the Director, Properties, of the Department of School Education,
    - (b) (Repealed)
    - (c) one is to be a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service and whose principal duty is the management of the Authority's activities.
- (1A) The member referred to in subsection (1) (a1) is to be the Chairperson of the Authority.
- (2) Of the members of the Authority appointed by the Governor:

- (a) one is to be nominated by the Director-General of the Department of School Education, being an officer of that Department serving in the western or north western region of the State,
  - (b) one is to be nominated by the Managing Director of the TAFE Commission and is to be a senior financial manager of that Commission,
  - (c) one shall be nominated by the Minister for Education from panels submitted by associations of teachers registered under the *Industrial Relations Act 1996*, 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 the member is appointed, be appointed to be the Deputy Chairperson 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) shall not contain the name of more than one teacher 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), (6) (Repealed)
- (7) The Secretary of the Ministry of Education may appoint a person to act in the place of the member referred to in subsection (1) (c) 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 that member.
- (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 (7) and all things done or omitted by the person 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.

## **8, 9 (Repealed)**

### **10 Provisions relating to members generally**

- (1) An appointed member shall, subject to this Act, hold office for such term, not exceeding 5 years, as is specified in the instrument of the member's appointment 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 the member was appointed, the Governor may appoint a person to hold office as a member for the balance of his or her predecessor's term of office, being a person qualified and nominated under the same paragraph of section 7 (2) as the 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 the member's 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 the person has been appointed to act.
- (4) (Repealed)
- (5) The provisions of the *Public Service Act 1979* and the *Teaching Services Act 1980* do not apply to or in respect of the appointment of a member and a member is not, in the member's capacity as a member, subject to the provisions of either of those Acts during the member's term of office.
- (5A) Where by or under any other Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.
- (6) A member of the Authority is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.



- (7) In the case of the absence through illness or any other cause of the Chairperson, the Deputy Chairperson shall act in the Chairperson's place, and while so acting shall be deemed to be the Chairperson and shall have the immunities, powers, authorities, duties and functions of the Chairperson.
- (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 Chairperson to act in the place of the Chairperson in accordance with subsection (7), and all things done or omitted by the person or the Deputy Chairperson 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 Chairperson, as the case may be.

## **11 Vacation of office**

- (1) A member shall be deemed to have vacated the member's office:
  - (a) if the member dies,
  - (b), (c) (Repealed)
  - (d) if the member is absent from four consecutive ordinary meetings of the Authority of which reasonable notice has been given the member either personally or in the ordinary course of post unless on leave granted by the Authority or unless the member is, before the expiration of four weeks after the last of those meetings, excused by the Authority for the member's absence from those meetings,
  - (e) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes any assignment of the member's remuneration or allowances, or of the member's estate, for their benefit,
  - (f) if the member 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 7 of that Act,
  - (g) if he or she is convicted in New South Wales of an indictable offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable,
  - (h) if the member resigns the member's office by writing under the member's hand addressed to the Governor and the Governor accepts the resignation,
  - (i) if, at any meeting of the Authority at which the member is present and at which any agreement or proposed agreement in which the member has a direct or indirect pecuniary interest, or any other matter in which the member has such an

interest, is the subject of consideration or is included on the agenda for consideration:

- (i) the member fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting the member's interest in, or
- (ii) the member 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 the member's office as a member, the member accepts or acquires any personal profit or advantage otherwise than under this or any other Act,
- (k) if, being a member referred to in section 7 (1) (a1) or (c), the member ceases to be qualified as provided by section 7 (1) (a1) or (c), or
- (l) if, not being a member referred to in section 7 (1) (a1) or (c), the member is removed from office by the Governor.

(m), (n) (Repealed)

- (2) The Governor may, for any cause which to the Governor seems sufficient, remove any member (other than the member referred to in section 7 (1) (a1) or (c)) from office.

(2A) (Repealed)

(3) Where:

- (a) a member has, for the purposes of the *Corporations Act 2001* of the Commonwealth, a relevant interest in a share in a company all or any of the shares in which are listed for quotation on a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth, 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.

## **12 (Repealed)**

## **Division 2 Operations of the Authority**

### **13 Powers, authorities, duties and functions of Authority**

- (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) Without limiting the generality of subsection (1), the Authority may, for the purpose of attaining its objects:
- (a) acquire in accordance with section 14 land not exceeding one hectare in area or, subject to section 16 (1) and with the consent in writing of the Minister, exceeding one hectare in area,
  - (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) 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.

(3) The Authority cannot employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Authority to exercise its functions.

#### **14 Acquisition of land**

- (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) For the purposes of the *Public Works Act 1912*, any acquisition of land under this section is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.
- (3) Sections 34, 35, 36 and 37 of the *Public Works Act 1912* do not apply in respect of works constructed under this section.

#### **15 Contracts**

A contract or agreement made pursuant to section 13 (2) (l) 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 Authority may accept gifts etc**

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

- (1) The Authority may by instrument in writing delegate to an officer or employee appointed under the *Public Service Act 1979* 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) 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.

## **18 Meetings of the Authority**

- (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 Chairperson shall preside at all meetings of the authority at which the Chairperson is present.
- (3) In the absence from a meeting of the Chairperson and the Deputy Chairperson, the member referred to in section 7 (1) (c) shall preside at that meeting and while so presiding shall be deemed to be the Chairperson and shall have the immunities, powers, authorities, duties and functions of the Chairperson.
- (4) The quorum for a meeting of the Authority is a majority of the members of the Authority for the time being 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) 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.
- (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 3 Vesting of land and management of property**

#### **19 Transfer of interests in land to Authority**

- (1) On and from a day specified in an agreement between a Minister (other than the Minister for Education) or the New South Wales Land and Housing Corporation 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 New South Wales Land and Housing Corporation, 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 the Crown for the purposes of the *Education Act 1990*, 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 the Crown—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) that, for the purpose of subsection (3):

(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) 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.

## **20 Management of lands by Authority**

- (1) On and from the appointed day, any land:
- (a) vested in the Crown for the purposes of the *Education Act 1990*, or
  - (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 the Crown, 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 New South Wales Land and Housing Corporation 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 4 Finance**

### **21 Teacher Housing Authority Account**

- (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.

### **22 Financial year of the Authority**

The financial year of the Authority shall be:

- (a) where no period is prescribed as referred to in paragraph (b)—the year commencing on 1 July, or
- (b) the period prescribed for the purposes of this section.

### **23 (Repealed)**

### **23A Moneys or other property held by Authority to be held for and on behalf of the Crown**

Notwithstanding any other provision of this Act:

- (a) any moneys or other property held by the Authority immediately before the commencement of the [Teacher Housing Authority \(Amendment\) Act 1977](#) are or is, on and after that commencement, moneys or other property held by the Authority for and on behalf of the Crown for the purposes of this Act, and
- (b) any moneys or other property received or acquired by the Authority on or after that commencement are or is moneys or other property received or acquired by the Authority to be held by it for and on behalf of the Crown for the purposes of this Act.

### **24-33 (Repealed)**

### **34 Loan liability of Authority**

- (1) For the purposes of the *Capital Debt Charges Act 1957*, the loan liability of the Authority is:
  - (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 Consolidated Fund.
- (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.

## **Part 5 General**

### **35 Disclosure of information**

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 Local Court constituted by a Magistrate sitting alone, is liable to a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding six months.

### **36 (Repealed)**

### **37 Liability of Authority for rates**

- (1) Notwithstanding any provision of any other Act, where a house is erected on land vested in the Authority:
  - (a) the land is ratable land, and
  - (b) a rate payable in respect of that land shall be paid by the Authority to the person by whom the rate is levied.
- (2), (3) (Repealed)

### **38 Proof of certain matters not required**

In any legal proceedings by or against the Authority no proof shall be required (until evidence is given to the contrary) of:

- (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 Manner of serving certain documents on Authority**

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.

### **40 Authentication of certain documents of Authority**

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 any officer or employee authorised to do so by the Authority.

### **41 (Repealed)**

### **42 Recovery of charges etc by the Authority**

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.

### **43 (Repealed)**

### **44 Regulations**

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.

### **45 (Repealed)**

### **46 Savings and transitional provisions**

Schedule 2 has effect.

## **Schedule 1 (Repealed)**

## Schedule 2 Savings and transitional provisions

(Section 46)

### 1 Preservation of rights of previous executive members

- (1) Despite the repeal of section 9 by the *Teacher Housing Authority (Amendment) Act 1987*, that section continues to have effect in relation to a person who at any time held office as the executive member.
- (2) This clause is taken to have commenced on 13 April 1987 (the date of commencement of the *Teacher Housing Authority (Amendment) Act 1987*).
- (3) Subclause (1) re-enacts (with minor modification) clause 3 of Schedule 3 to the *Teacher Housing Authority (Amendment) Act 1987*. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.