

**PUBLIC SERVANT HOUSING AUTHORITY
ACT.**

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 38, 1975.

An Act to constitute the Public Servant 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, 16th April, 1975.]

BE

Public Servant Housing Authority.

BE it enacted by the Queen's Most Excellent Majesty, by No. 38, 1975
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.**

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

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

(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.

3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—PUBLIC SERVANT HOUSING AUTHORITY OF
NEW SOUTH WALES—ss. 5–16.

DIVISION 1.—*Establishment of the Authority*—ss.
5–10.

DIVISION 2.—*Operations of the Authority*—ss. 11–16.

PART III.—VESTING OF LAND AND MANAGEMENT OF
PROPERTY—ss. 17, 18.

PART IV.—FINANCE—ss. 19–32.

PART V.—GENERAL—ss. 33–43.

SCHEDULE.

Public Servant Housing Authority.

No. 38, 1975 **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 Public Servant Housing Authority of New South Wales constituted under section 5 (1);

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

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

“member” means member of the Authority;

“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;

“statutory body” means any body declared, under section 34, to be a statutory body for the purposes of this Act;

“public

Public Servant Housing Authority.

“public servant” means a person employed under the No. 38, 1975
Public Service Act, 1902, except—

- (a) a person employed in the Department of Technical and Further Education as a lecturer, adviser, supervisor or principal;
and
- (b) a 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.

PUBLIC SERVANT HOUSING AUTHORITY OF NEW SOUTH WALES.

DIVISION 1.—Establishment of the Authority.

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

Constitution
of Public
Servant
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)

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No. 38, 1975 (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.

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

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

7.

Public Servant Housing Authority.

7. (1) The Authority shall consist of four members of No. 38, 1975
whom—

Members of
Authority.

- (a) one shall be the person for the time being holding, or acting in, the office of Chairman of the Public Service Board who shall be the Chairman of the Authority;
- (b) one shall be the person for the time being holding, or acting in, the office of Under Secretary of the Treasury;
- (c) one shall be the person for the time being holding, or acting in, the office of Chairman of The Housing Commission of New South Wales; and
- (d) one shall be a person appointed by the Governor.

(2) The member appointed by the Governor shall be nominated by the Minister of the Crown for the time being administering the Public Service Act, 1902, from panels submitted by associations of public servants 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.

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

- (a) shall comprise the names of not less than five public servants each of whom, at the time the notice was given under subsection (2), was employed in a region; and
- (b) shall not contain the name of more than one public servant who, at the time the notice was given under subsection (2), was employed in the same region.

(4)

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(4) If—

- (a) in the opinion of the Minister referred to in subsection (2) there is no association referred to in that subsection; 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),

the Governor may appoint a public servant who resides in a region at the time the appointment is made and who is nominated by that Minister to be the member referred to in subsection (1) (d) instead of the member required to be nominated from a panel.

(5) A member holding office pursuant to subsection (1) (a), (b) or (c) may appoint a member or officer of the Public Service Board, the Treasury or The Housing Commission of New South Wales, respectively, 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 subsection 1 (a), (b) or (c) in the same manner as it was made.

Provisions
relating to
members
generally.

8. (1) The member appointed by the Governor 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 the 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 as specified in section 7 (2).

(3)

Public Servant Housing Authority.

(3) The Governor may appoint a person qualified No. 38, 1975 and nominated as specified in section 7 (2) to act in the place of the member appointed by the Governor 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 the member appointed by the Governor and shall have the immunities, powers, authorities, duties and functions of that member.

(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 section 7 (5) or subsection (3).

(5) The provisions of the Public Service Act, 1902, 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 that Act during his term of office.

(6) The provisions—

- (a) of section 5 (3) (a) of the Housing Act, 1941, shall not operate to disqualify the Chairman of The Housing Commission of New South Wales from holding that office by virtue of his membership of the Authority; and
- (b) of section 5 (6) (a) (i) of the Housing Act, 1941, shall not operate to prevent the Chairman of The Housing Commission of New South Wales from accepting and retaining any allowances and travelling expenses payable to him under this section.

(7) The Minister may fix allowances and travelling expenses in respect of the members.

(8)

(8)

Public Servant Housing Authority.

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(8) In the case of the absence through illness or any other cause of the Chairman and any person appointed under section 7 (5) to act in the office of Chairman, the member referred to in section 7 (1) (b) shall 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.

(9) 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 section 7 (5) or in the place of the Chairman in accordance with subsection (8), 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 or the Chairman, as the case may be.

Vacation of
office.

9. (1) The member appointed by the Governor shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if 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;
- (c) 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;

(d)

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- (d) if he becomes a temporary patient, a continued No. 38, 1975 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;
- (e) 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;
- (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (g) 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;
- (h) if, by virtue of his office as a member, he accepts or acquires any personal profit or advantage otherwise than under this or any other Act;

(i)

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- (i) if he is removed from office by the Governor; or
- (j) 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 the member appointed by him from office.

(3) The provisions of subsection (1) (a), (c), (d), (e), (g), (h) and (j) apply to a person appointed under section 7 (5) in the same manner as they apply to the member appointed by the Governor, and a person appointed under section 7 (5) shall cease to hold that appointment—

- (a) if a general appointment made in respect of him is revoked; or
- (b) if he ceases to hold the qualification he held at the time the appointment was made.

(4) Where—

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

(5)

Public Servant Housing Authority.

(5) A reference in subsection (4) to a member **No. 38, 1975** includes a reference to a person appointed under section 7 (5).

10. (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.

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

(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.*

11. (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.

Powers,
authorities,
duties and
functions of
Authority.

(2)

Public Servant Housing Authority.

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(2) Without limiting the generality of subsection (1), the Authority may, for the purpose of attaining its objects—

- (a) acquire land not exceeding one hectare in area or, subject to section 14 (1), with the consent in writing of the Minister, exceeding one hectare in area by purchase, lease or exchange or, in accordance with section 12 (1), by resumption or appropriation;
- (b) erect, or acquire by purchase, lease or exchange, houses and other buildings;
- (c) let out to public servants, 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 public servants 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)

Public Servant Housing Authority.

- (h) plan and subdivide, and set out and construct roads No. 38, 1975 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,

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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 appro-
priation
of land.

12. (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) A resumption or appropriation under subsection (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.

Contracts.

13. A contract or agreement made pursuant to section 11 (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.

Authority
may accept
gifts, etc.

14. (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.

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15. (1) The Authority may by instrument in writing ^{No. 38, 1975} delegate to an officer or employee appointed under the Public Service Act, 1902, the exercise or performance of such of ^{Delegation.} 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.

16. (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. ^{Meetings of the Authority.}

(2) The Chairman or in his absence a person appointed by him under section 7 (5) shall preside at all meetings of the Authority at which he is present.

(3)

Public Servant Housing Authority.

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(3) In the absence from a meeting of the Chairman or of a person appointed by him under section 7 (5), the member referred to in section 7 (1) (b) or a person appointed by him under section 7 (5) 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 persons, each of whom is a member or a person appointed under section 7 (5) acting in the place of a member, 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) 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)

Public Servant Housing Authority.

(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. No. 38, 1975

PART III.

VESTING OF LAND AND MANAGEMENT OF PROPERTY.

17. (1) On and from a day specified in an agreement between a Minister or The Housing Commission of New South Wales and the Authority, any land that— Transfer
of interests
in land to
Authority.

(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) Where the Minister certifies that an agreement is an agreement for the purpose of subsection (1) 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.

(4)

Public Servant Housing Authority.

No. 38, 1975

(4) On and from the day on which land specified in an agreement referred to in subsection (1) 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)

Public Servant Housing Authority.

- (e) the Authority may enforce and realise any security ^{No. 38, 1975} 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.

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

(6) A person who, immediately before the day on which any land specified in an agreement referred to in subsection (1) 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.

18. (1) Where—

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

Management
of lands by
Authority.

(b)

Public Servant Housing Authority.

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

(c) that house is occupied by a public servant,

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.

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

PART IV.

FINANCE.

Public
Servant
Housing
Authority
Account.

19. (1) There shall be established in the Special Deposits Account in the Treasury a Public Servant 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.

20. (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)

Public Servant Housing Authority.

(2) The Minister shall cause the statement of No. 38, 1975 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.

21. (1) The accounts of the Authority shall be audited ^{Audit of} by the Auditor-General who shall have, in respect thereof, all ^{accounts.} 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) The Auditor-General shall report to the 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.

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No. 38, 1975 **22.** (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
accommo-
dation.

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

23. 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) 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.

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

Reserves
for re-
payment.

(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)

Public Servant Housing Authority.

(3) Moneys held as reserve for loan repayment may **No. 38, 1975** 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) 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.

(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)

Public Servant Housing Authority.

No. 38, 1975

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

Debentures,
&c.

25. (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.

(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) 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.

26. (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)

Public Servant Housing Authority.

(3) The Authority may, in respect of any such loan, No. 38, 1975 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 24 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 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.

(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

Public Servant Housing Authority.

No. 38, 1975 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 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 25 (1), 28 (3) and 28 (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.

Public Servant Housing Authority.

27. (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.

No. 38, 1975
—
Payment of
debentures
and
coupons.

(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) 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.

28. (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)

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(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) 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 26, 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.

Public Servant Housing Authority.

29. 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. No. 38, 1975
—
Securities
rank
equally.

30. (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. Protection
of
investors.

(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.

31. (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. 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)

Public Servant Housing Authority.

No. 38, 1975 (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.

Loan liability of Authority. **32.** (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 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.

PART V.

GENERAL.

Disclosure of information. **33.** 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)

Public Servant Housing Authority.

(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.

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

Declaration
of statutory
bodies.

(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.

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

Liability of
Authority
for rates.

(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.

36. 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)

Public Servant Housing Authority.

No. 38, 1975

- (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.

Manner
of serving
certain
documents
on
Authority.

37. 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.

Authentica-
tion of
certain
documents
of
Authority.

38. 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 a member or by any other officer or employee authorised to do so by the Authority.

Notice of
proceedings
for damage
or injury.

39. (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.

(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)

Public Servant Housing Authority.

(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. No. 38, 1975

(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 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.

(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)

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No. 38, 1975 (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.

Recovery of charges, etc., by the Authority. **40.** 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.

Annual report. **41.** (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.

(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.

Regulations. **42.** 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. **43.** Each Act specified in Column 1 of the Schedule is amended in the manner specified opposite that Act in Column 2 of the Schedule.

SCHEDULE.

Public Servant Housing Authority.

SCHEDULE.

No. 38, 1975

AMENDMENT OF ACTS.

Sec. 43.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 31 ..	Public Service Act, 1902.	Section 17 (2)— After "managed by" insert "the Public Servant Housing Authority of New South Wales or". Omit "that Authority" wherever occurring, insert "the Authority concerned".
1957, No. 1 ..	Capital Debt Charges Act, 1957.	Schedule— Insert at the end the following words:— The day Public Public that is Servant Servant three Housing Housing months Authority Authority after of New Act, 1975. the South appointed Wales. day within the meaning of the Public Servant Housing Authority Act, 1975.
1970, No. 4 ..	Teaching Service Act, 1970.	Section 42 (2)— After "Teacher Housing Authority of New South Wales" insert "or the Public Servant Housing Authority of New South Wales". Omit "that Authority" wherever occurring, insert "the Authority concerned".

PUBLIC