

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 27, 1924.

An Act to abolish the Housing Board ; to confer certain powers upon the Minister ; to provide for the vesting of certain lands and securities in the Commissioners of the Government Savings Bank of New South Wales ; to confer on the said Commissioners certain powers of management and other powers ; to validate certain acts of the Housing Board and the Minister ; to amend the Housing Act, 1912, and certain other Acts ; and for purposes connected therewith. [Assented to, 17th November, 1924.]

Housing (Amendment).

BE it enacted by the King'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:—

Short title.

1. (1) This Act may be cited as the "Housing (Amendment) Act, 1924," and shall be construed with the Housing Act, 1912, as amended by the Housing (Extension) Act, 1919.

(2) The Housing Act, 1912, as so amended, is hereinafter referred to as the Principal Act.

Dissolution of board and substitution of Minister.

2. (1) The Housing Board is hereby dissolved, and the powers, duties, and authorities of that board are vested in the Minister.

(2) All lands which at the commencement of this Act are vested in the Housing Board or any Minister or corporation for the purposes of the Principal Act, and all choses in action and property of any description at the said commencement vested in the said Housing Board, Minister, or corporation, are hereby vested in the Minister, subject to all equities affecting the same.

(3) Except as provided in this Act, any rights or liabilities which could have been enforced by or against the Housing Board if this Act had not been passed shall, from and after the passing of this Act, be enforceable by or against the Minister.

Schedule of consequentia amendments.

(4) For the purposes of carrying out the above provision and for purposes relating thereto the Principal Act is amended as set out in the Schedule attached hereto.

Powers of Minister—Amendment of Principal Act, s. 8.

3. The Principal Act is further amended—

(a) by omitting from section eight the words "The board may, in its discretion and subject to such conditions as it thinks fit, let on" and inserting in lieu thereof the words "(1) The Minister may";

(b) by inserting in the same section after the words "any other purpose" the words "than for public use";

(c)

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(c) by omitting from the same section all words following the words "fifteen years" and inserting the following subsections in lieu thereof :—

(2) Where under this Act buildings are erected for public use, the Minister may lease them to any person for such term and upon such conditions as the Minister thinks fit. Power to lease.

(3) Every lease made under this section shall be made to take effect in possession not later than three months after its date. cf. Conveyancing Act, 1919, s. 106.

(4) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken or the rent made payable in advance except as to the last payment, which may be made payable on a day not more than one month before the expiration of the term.

(5) Every such lease shall contain a condition of re-entry on the rent not being paid within a time therein specified, not exceeding thirty days, and the covenants implied by section eighty-four of the Conveyancing Act, 1919, shall not be excluded therefrom.

(d) by omitting section ten and by inserting the following section in lieu thereof :—

10. (1) The Minister may by public auction or private contract sell any such land upon such terms and conditions as he thinks fit to any person for cash or upon terms : Power to sell.

Provided that—

(a) no one person may purchase more than one house and the land reasonably required therewith not exceeding in area one quarter of an acre or thereabouts ;

(b) the buyer shall satisfy the Minister that he is purchasing the land for his home or for the home of a member of his family ;

(c)

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(c) the maximum periods for the payment of purchase money by instalments shall be, for brick, concrete, or stone buildings, forty years, and for wooden buildings, twenty-five years;

(d) the Minister shall not sell any land within the boundaries of the original Dacey Garden Suburb as defined by the Governor by proclamation in the Gazette.

(2) The Minister may, with the previous approval of the Governor, sell by auction or by private treaty upon such terms and conditions as may be so approved any land or other property vested in him by this Act without regard to paragraphs (a), (b), and (c) of the proviso to subsection one of this section.

(3) Any purchase money received from the sale of land which has been appropriated under this Act shall be paid to the Housing Fund, and that Fund shall be charged with the value of the land as at the date of appropriation.

(e) by adding at the end of section twelve the following new subsections:—

(2) The Minister may agree to cancel any contract of sale made before or after the commencement of the Housing (Amendment) Act, 1924.

(3) The Minister may, if he thinks fit, pay to the person surrendering any land leased, granted, or dedicated, or to the purchaser upon the cancellation of a contract of sale, such sum by way of compensation for any visible and effective improvements on the land, but not exceeding the value of the improvements at the date of such surrender or cancellation, the cost of which has not been defrayed or advanced by the Housing Board or the Minister, as to the Minister may seem just.

(4)

Power to agree to cancellation of sales.

Compensation on surrender.

Housing (Amendment).

(4) The Minister may also in his discretion repay to a purchaser upon the cancellation of a contract of sale the whole or such proportion as he thinks fit of the purchase money of the land which has been paid by the purchaser under this Act.

(f) by omitting section thirteen and inserting in lieu thereof the following new sections:—

13. (1) The Minister may—

(a) remit any part of the amount due under any contract of sale of land or land and buildings, or under any mortgage in respect of an advance made for the purchase, erection, or improvement of land or buildings;

Power to remit, extend times, &c.

(b) extend the period provided for payment of any purchase money or advance to a term not exceeding forty years where the subject matter of the purchase or advance is a brick, concrete, or stone building, or to a term not exceeding twenty-five years in the case of a wooden building.

(2) The Minister may make and impose charges in connection with temporary services of water supply, lighting, or sewerage provided for houses built and sold or leased under this Act to recoup the expenses incurred in connection therewith or in connection with guarantees given in respect thereof.

Water supply, lighting and sewerage services.

(3) The powers conferred by this section shall extend to contracts of sale made, mortgages given, and services provided prior to the commencement of the Housing (Amendment) Act, 1924.

Section made retroactive.

13A. (1) A purchaser from the board may within six months after the passing of the Housing (Amendment) Act, 1924, apply to the Minister for a revision of the amount of the purchase money to be paid by him.

Revision of price.

(2)

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(2) The application may be made only on the grounds that by reason of the settlement of the foundations due to faulty construction or by reason of faulty workmanship the house has depreciated in value.

(3) The Minister shall refer the application to the Government Architect for report, and if the Government Architect certifies that the settlement of the foundations is due to faulty construction, or that the workmanship in other respects has been faulty (upon which facts the certificate shall be final) the Minister shall refer the application to the Valuer-General, and shall remit such portion of the purchase money as the Valuer-General certifies to be fair and reasonable within the circumstances.

(4) If such purchaser be not satisfied to accept such remission he may within one month after the offer thereof is served upon him elect to cancel the purchase, and upon so doing he shall be entitled to a refund of all moneys paid by him subject to the deduction of—

- (a) simple interest on the purchase price at six and a half per centum per annum;
- (b) all local government rates levied and not paid by the purchaser; and
- (c) all premiums for fire insurance of the property not paid by the purchaser.

13B. The Minister may sell to any person by public auction or private contract and upon such terms and conditions as he may deem fit any land vested in him under this Act which has been acquired for the purpose of correcting encroachments.

- (g) by inserting the following new sections next after section eighteen:—

18A. (1) The Minister may arrange with the Colonial Treasurer, the Minister for Lands, the Public Trustee, or the Sydney Harbour Trust

Power to sell
superfluous
lands.

Delegation of
powers.

Housing (Amendment).

Trust Commissioners, or any one or more of them, for the delegation of all or any of the powers and duties in relation to any land, and the buildings thereon, conferred and imposed on the Minister by this Act, and such Colonial Treasurer, Minister for Lands, Public Trustee, or Commissioners shall, as the deputy and attorney of the Minister, be authorised to exercise as and for the Minister the powers and duties so delegated as aforesaid.

(2) For so doing they shall be paid out of the Housing Fund such annual fee or commission as may be arranged.

18B. (1) The Governor may by proclamation withdraw from the Minister any lands vested in the Minister under this Act, and upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister and shall be deemed to be Crown lands reserved from every form of sale or lease, within the meaning of the Crown Lands Consolidation Act, 1913, until otherwise notified in the Gazette, subject as provided in the next following subsection.

Crown lands.
Transfers of
land to
Minister for
Lands.

(2) Upon any land so withdrawn being subsequently sold, leased, or otherwise disposed of—

- (a) if the land is land which was resumed or purchased for housing purposes the proceeds of the sale or lease or other disposition, less cost of collection and other necessary expenses, shall be paid to the Housing Fund ;
- (b) if the land is land which was Crown lands, and was appropriated for housing purposes, the proceeds of the sale, lease, or other disposition shall be applied as follows :—
 - (i) The costs of sale and collection shall be first paid thereout.

(ii)

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- (ii) Of the balance the amount which represents the value of the land at the date of the appropriation shall be credited to such accounts as it would be credited to if the amount were received in the ordinary course of the alienation of Crown Lands.
- (iii) Of the balance remaining the Housing Fund shall be credited with the amount (if any) expended from that fund in respect of such appropriation, and the amount (if any) so expended upon works for the improvement of the land together with the amount of interest paid or payable by the Housing Fund to the Consolidated Revenue Fund in respect of such expenditure under section fourteen of this Act.
- (iv) If there is any balance remaining the surplus shall be divided equally, and one-half credited to the Housing Fund and the other half as in paragraph (b) (ii) of this subsection.
- (b) by adding to section thirty-two the following new subsection :—

Refusal
to sign
mortgage.

(2) In the event of the applicant refusing or failing to sign the prescribed form of mortgage in respect of any advance made under this Act, whether before or after the passing of the Housing (Amendment) Act, 1924, when required in writing under the hand of the Minister so to do, the Minister may nominate in writing under his official seal an officer of the public service to execute in the name and on behalf of such applicant the prescribed form of mortgage, and the mortgage when so executed shall for all purposes be as valid and effectual as if executed by the applicant.

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4. The Principal Act is further amended by the addition after section forty of the following new Part:—

Amendment
of Principal
Act—new
Part III.

PART III.

MISCELLANEOUS.

41. (1) The Governor may resume under the provisions of the Public Works Act, 1912, land upon which a dwelling-house has been erected by the Housing Board or the Minister for a purchaser, or by a person to whom an advance has been made under this Act for the erection of the dwelling-house, in the event of the purchaser or the person to whom the advance has been made declining or failing to execute the prescribed form of purchase agreement or mortgage, as the case may be, upon being required in writing so to do.

Resumption
under certain
circum-
stances.

(2) The compensation in any such case shall be assessed only in respect of the interest of the purchaser or person to whom the advance was made, and any increased value to the land occasioned by the expenditure of the Housing Board or the Minister, or of the advance made by either, shall be disregarded.

Compensa-
tion limited.

42. Where any agreement for purchase is cancelled or forfeited for non-fulfilment of the conditions thereof, it shall be lawful for the Minister in lieu of the damages provided for in the agreement to claim and recover for use and occupation an amount equivalent to eight and one-half per centum per annum of the improved capital value of the property.

Cancellation
of agreement.

43. (1) Where a purchaser of a dwelling-house under this Act makes default in observing and performing any of the terms of the agreement, the Minister may cancel the agreement upon giving the purchaser at least one month's notice in writing of his intention so to do, and on or before the date of the expiration of such notice the purchaser shall give up possession of the said dwelling-house to the Minister.

Possession to
Minister upon
cancellation
of agreement.

(2)

Housing (Amendment).

(2) If the purchaser refuses so to do the Minister may issue his warrant to the Sheriff to deliver possession of the dwelling-house to the person appointed in such warrant to receive the same.

(3) Upon the receipt of such warrant the Sheriff shall deliver possession of such dwelling-house accordingly, and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; the amount of such costs, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

(4) The Minister may, in his discretion, repay to a purchaser whose agreement has been so cancelled the whole or such proportion as he thinks fit of the purchase money of the dwelling-house which has been paid by the purchaser under this Act.

Withdrawal
of certain
lands.

44. (1) The Governor may, by proclamation withdraw from the Minister the properties known as number eight Hickson-road, City of Sydney, and number two hundred and eleven Kent-street, City of Sydney, which were resumed for purposes of the Housing Act, 1912, by notifications published in the Gazette number fifty-five of fifteenth day of April, one thousand nine hundred and twenty-one. Upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister.

(2) The Governor may, by proclamation in the Gazette, vest such lands in the Colonial Treasurer, or other Minister, as trustee on behalf of His Majesty the King.

Validation.

5. (1) The following acts of the Housing Board and the Minister are validated:—

- (a) The sale or leasing of land or land and buildings to persons not qualified under the Principal Act, or upon terms not authorised by the said Act;
- (b)

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- (b) the reduction of the price and the extension of the period of payment for any land or buildings;
- (c) the provision of temporary services for water supply, lighting, and sewerage in the case of certain houses built and sold or leased under the Principal Act, the giving of guarantees in connection with such provision, and the imposition of charges to pay for such services;
- (d) the setting apart of land as sites for buildings, or for religious, charitable, or municipal purposes;
- (e) the setting apart of land for public recreation or for other public purposes, and the improvement of such lands;
- (f) the erection of buildings for residential, business, or other purposes or for public use;
- (g) the making of advances or the incurring of expenditure for the erection or improvement of houses;
- (h) the making of advances or the incurring of expenditure to enable an applicant to complete the purchase and the erection or improvement of a house or site, or both;
- (i) the acceptance of deposits which were less than five per centum of the amount advanced or expended under the Principal Act; and the acceptance of the lodgment of deeds of land in lieu of the lodgments of deposits required by the Principal Act;
- (j) the extension of the term of payment for brick, concrete, and stone buildings to forty years;
- (k) the charging of the cost of any of the foregoing upon the Housing Fund;
- (l) the sale by auction of any land and buildings to any purchaser at any price and subject to any conditions.

(2) All sales, purchases, payments, and transactions made or entered into by the Minister or the Housing Board before the passing of this Act, which are

Housing (Amendment).

are in conformity with the provisions of the Principal Act as amended by this Act, shall be deemed to have been and to be valid.

(3) The Minister may complete any sales, purchases, and transactions pending at the passing of this Act; and may grant concessions in connection therewith.

Power to vest land in the Commissioners of the Government Savings Bank of New South Wales.

Power to vest
land in Com-
missioners of
Government
Savings
Bank.

6. (1) The Governor may from time to time, by proclamation published in the Gazette, vest in the Commissioners of the Government Savings Bank of New South Wales, as and from a date specified in the proclamation, any land vested in the Minister and which is the subject of an agreement for sale, and the right to receive any moneys payable under such agreement, and the right to receive any moneys payable to the Minister in respect of advances made by him or the Housing Board, and the securities therefor, for such estate and interest as is vested in the Minister at the date specified in the proclamation, subject to the equities affecting the same.

(2) The Governor shall not issue any such proclamation except with the consent of the Commissioners, and—

- (a) until a statement in the prescribed form of the amounts due by each purchaser or mortgagor in respect of principal, interest, and other charges has been certified to by the Auditor-General to be correct and in accordance with the books of account, records, and securities kept by the Housing Board appointed under the Housing Act, 1912, or the Minister; and
- (b) until all completed securities or other documents required by the Commissioners have been handed to them.

(3) Upon the date so specified in the proclamation under this section in the Gazette, the land therein described, the right to receive and recover any amounts therein

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therein stated to be payable in respect thereof, the securities for money, and the right to receive and recover such moneys shall be vested in the Commissioners without any further assurance for all the estate, right, title, and interest of the Minister therein, subject to the equities affecting the same.

(4) Any person indebted at the date so specified in the proclamation in any sum of money in respect of such land or security, shall pay such sum to the Commissioners in accordance with the terms of his agreement or of the security, and the receipt of the Commissioners shall be a sufficient discharge for any such sum, and any right of action accrued to or against, and any agreement, mortgage, bond, guarantee, lease, covenant, judgment debt, policy of insurance, or obligation made or entered into by or with the Housing Board or the Minister, in relation to any land, security, or chose in action so vested by proclamation in the Commissioners may be prosecuted and enforced by or against the Commissioners in their name as if the right of action had originally accrued to or against, or the agreement, mortgage, bond, guarantee, lease, covenant, judgment debt, policy of insurance, or obligation had been made or entered into with the Commissioners.

(5) All money due and owing at the date so specified in the proclamation to any person by the Housing Board or the Minister in relation to any of the lands or securities so vested in the Commissioners by the proclamation shall be paid by and be recoverable from the Commissioners, and the payment shall by them be treated in account as provided in Part VIA of the Government Savings Bank Act, 1906, inserted by this Act.

(6) The Commissioners, after the publication of any proclamation referred to in this section, shall have all the powers, duties, and liabilities in relation to the lands and securities vested in them which by sections ten, twelve, thirty-two, forty-one, forty-two, and forty-three of the Principal Act, as amended by this Act, are reposed in the Minister.

Housing (Amendment).

Consequential
amendments of
Govt. Savings
Bank Act, 1906.

Sec. 3.

c. 23.

Sec. 70

7. The Government Savings Bank Act, 1906, is amended as follows:—

- (a) By inserting in section three after the words “Division 4—General—ss. 69, 70” the words “Part VIA—Government Housing Department—ss. 70A-70G”;
- (b) (i) by omitting from subsection one of section twenty-three the word “three” and inserting in lieu thereof the word “four”; and by adding at the end of the same subsection the words “(d) the Government Housing Department”;
- (ii) by inserting in the first proviso to subsection three of the same section after the words “Rural Bank Department” wherever occurring, the words “or Government Housing Department”;
- (c) by inserting after section seventy the following new Part:—

PART VIA.

GOVERNMENT HOUSING DEPARTMENT.

Establish-
ment of
Government
Housing
Department.

Functions.

70A. There shall be a Government Housing Department of the bank, to administer such properties and securities as may be vested in the Commissioners under the provisions of the Housing (Amendment) Act, 1924.

70B. The Commissioners shall collect and carry to the Government Housing Department all payments of purchase money and interest, and all repayments of advances and interest thereon made under the Housing Act, 1912, and subsequent Acts amending the same, or any other amounts receivable in connection therewith so far as the properties sold or the securities for the advances have been vested in the Commissioners in pursuance of the Housing (Amendment) Act, 1924.

Accounts.

70C. (1) The liability of the Commissioners in respect of the properties and securities so vested in them shall be shown in the books of the department,

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department, wherein the Minister administering the Housing Act, 1912, shall be credited with the total amount owing by the purchasers or borrowers in respect of the properties or securities so vested in the Commissioners at the time of the vesting, and with interest at the rate fixed by the Colonial Treasurer under section fourteen of the Housing Act, 1912, as amended by subsequent Acts.

(2) Such account shall be debited with the amounts paid by the Commissioners to the Housing Fund or paid by them under the provisions of subsection five of section six of the Housing (Amendment) Act, 1924, if chargeable to the Minister administering the Housing Act, 1912, or to the Housing Board and not to a purchaser or borrower by the terms of any agreement or mortgage or by any rule of law or equity.

70D. (1) Amounts received from purchasers or borrowers on account of purchase or principal moneys due and all principal moneys arising from resales, foreclosures, or otherwise, shall be paid by the Commissioners to the Housing Fund established under the Housing Act, 1912, in a monthly settlement not later than the fifteenth day of each month in respect of the previous month's receipts. Payments to
Housing
Fund.

(2) The Commissioners may in their discretion pay to the Housing Fund any other funds available from the liquidation of the properties and securities vested in them under the Housing (Amendment) Act, 1924.

70E. The Commissioners shall establish a reserve fund in respect of the properties and securities so vested in them, to which any profits therefrom shall be carried from profit and loss account, and to which any charges paid directly on behalf of the department, Reserve
Fund. and

Housing (Amendment).

and the cost of administration of the department as apportioned under section twenty-three of this Act, and all losses however arising, shall be debited.

The balance of this fund shall be certified by the Auditor-General on or before the thirtieth day of September in each year, and if the reserve fund is in debit—

- (a) the amount shall be made good by the Minister from the Housing Fund; or
- (b) may be adjusted by the Commissioners from any amount payable to the Housing Fund in respect of principal moneys repaid or otherwise.

Such payment or adjustment shall be deemed to be payment from the capital division of the Housing Fund. In case of any deficiency in the Housing Fund such deficiency shall, on being certified by the Commissioners, be made good to the Commissioners out of the Consolidated Revenue Fund within one month after the said date.

70F. Amounts payable by a purchaser or borrower in respect of a property so vested in the Commissioners shall be paid at such branch of the bank as the Commissioners may approve.

70G. The Commissioners are hereby indemnified in respect of any act done by them, and of any losses, costs, or damages incurred by them in the bona fide execution of the powers vested in them under this Part of this Act.

Place of
payments by
purchasers or
mortgagors.

Indemnity.

Housing (Amendment).

SCHEDULE

AMENDMENTS REFERRED TO IN SECTION 2, SUBSECTION (4).

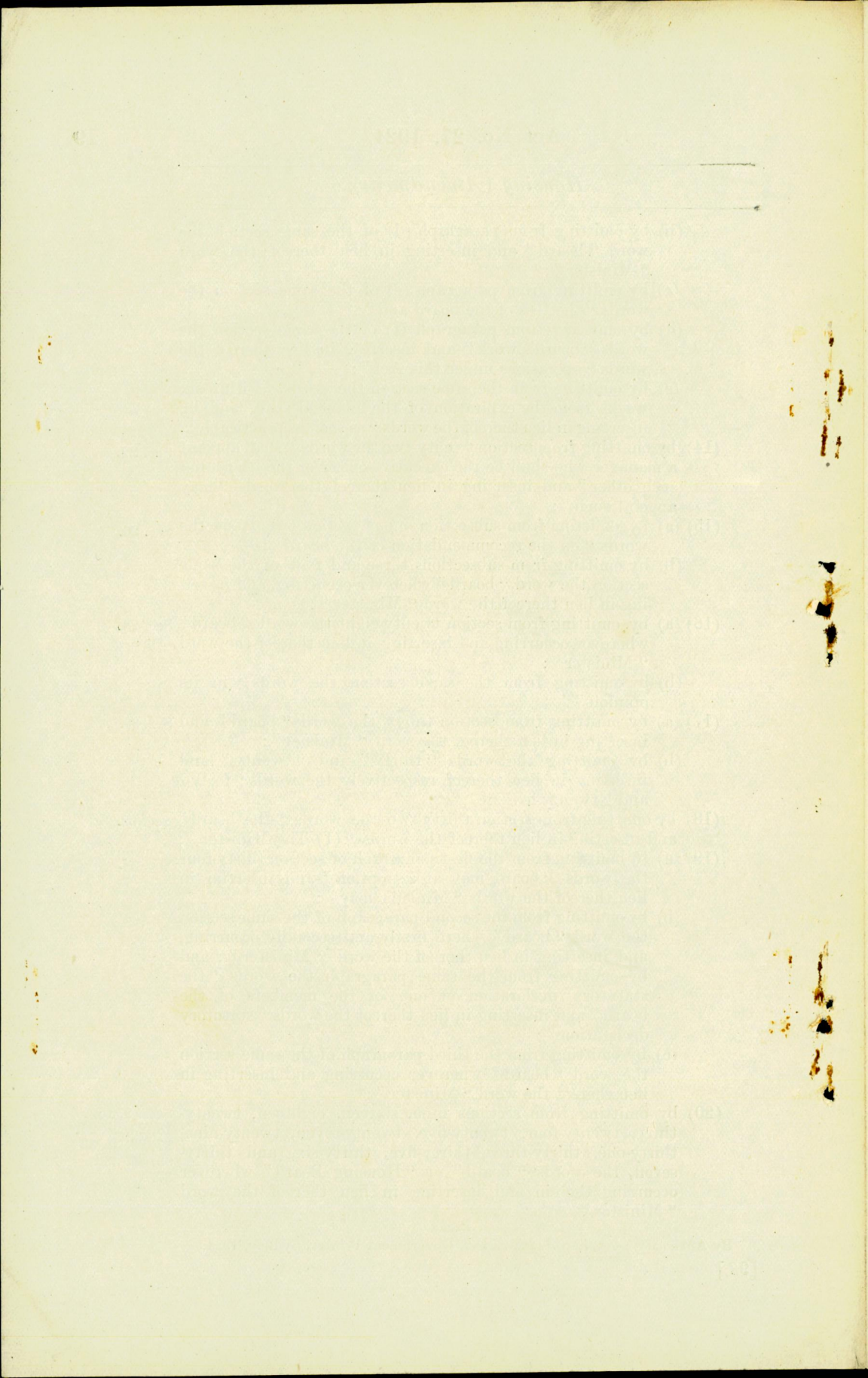
- (1) (a) By omitting from section two the definition of the word Sec. 2.
"Board";
- (b) by omitting from the same section the definition of the word "Minister";
- (2) by omitting section three and the short heading thereto and Sec. 3.
inserting the following section in lieu of the said section:—
3. For the purposes of this Act the Minister is constituted **Minister a corporation sole.**
a corporation sole under that name with perpetual succession and a seal of office which shall be judicially noticed, and may hold property of any description, and in his corporate name sue and be sued and take all legal proceedings;
- (3) by inserting in section 4B after the word "stock" the word Sec. 4B.
"debentures";
- (4) (a) by omitting from section five the words "the Board Sec. 5.
shall" and inserting in lieu thereof the words "The Minister may";
- (b) by omitting from the same section the words "so purchased, resumed, or appropriated" and inserting in lieu thereof the words "vested in or acquired by him";
- (c) by inserting in the same section after the word "reserves" the words "for public recreation or for other public purposes";
- (d) by omitting from the same section the words "and shall submit the same, and any alterations in it, to the Minister for his approval";
- (5) (a) by omitting from section six the words "the Board, in Sec. 6.
pursuance of any such plan which has been approved by the Minister," and inserting in lieu thereof the words "the Minister";
- (b) by inserting in paragraph (a) of the same section after the word "on" the words "or in relation to";
- (c) by inserting in paragraph (b) of the same section after the word "dedicate" the words "by notification in the Gazette any"; and by adding at the end of the same paragraph the words "by notification in the Gazette vest such reserves in a municipal or shire council, or in trustees.
- Where a reserve is so vested in trustees other than a council, the provisions of the Public Parks Act, 1912, shall be deemed to extend to the reserve";
- (d) by inserting in section six the following additional paragraphs:—
- (d) provide plots in any road for the ornamentation of the land subdivided and plant and maintain the same;
- (e) apply moneys out of the Housing Fund for any purpose authorised by this section and also towards prizes for annual garden competitions for tenants or purchasers in respect of the land leased or purchased by them.

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- Sec. 7. (6) by omitting section seven and inserting the following section in lieu thereof:—
- Erection of buildings by Minister. 7. The Minister may erect on any such land buildings for residential, business, or other purposes, or for public use, and shall be charged with the duty of maintaining and repairing them, and insuring them against loss by fire ;
- Sec. 11. (7) (a) by omitting from section eleven the words “on the recommendation of the board” ;
- (b) by omitting from the same section the words “purchased, resumed, or appropriated” and inserting in lieu thereof the words “vested in or acquired by him” ;
- (c) by omitting from the same section the word “board” where secondly occurring and inserting the word “Minister” in lieu thereof ;
- (d) by omitting from the same section the words “if the board so recommends” and inserting in lieu thereof the words “unless the Governor otherwise directs” ;
- Sec. 12. (8) (a) by omitting from section twelve the words “the board or the Minister on the recommendation of the board” and inserting in lieu thereof the words “(1) The Minister” ;
- (b) by inserting in the same section after the word “leased” the word “dedicated” ;
- (c) by omitting from the same section the word “board” where thirdly occurring and inserting in lieu thereof the word “Minister” ;
- Sec. 14. (9) by omitting from section fourteen the word “Minister” wherever occurring and by inserting in lieu thereof the words “Colonial Treasurer” ; and by omitting the word “board” and inserting in lieu thereof the word “Minister” ;
- Sec. 17. (10) (a) by omitting from section seventeen the word “board” wherever occurring and inserting in lieu thereof the word “Minister” ;
- (b) by omitting from the third paragraph of the same section the words “as the Minister may direct” and inserting in lieu thereof the words “as the Colonial Treasurer may direct” ;
- Sec. 19. (11) (a) by omitting from section nineteen the words “The fees of the board and” ;
- (b) by omitting from the same section the word “board” where secondly and thirdly occurring and inserting in lieu thereof the word “Minister” ;
- Sec. 20. (12) (a) by omitting from section twenty and from the short heading thereto the word “board” wherever occurring and inserting in lieu thereof the word “Minister” ;
- (b) by omitting from the same section the word “it” and inserting in lieu thereof the word “him” ;
- Sec. 21. (13) (a) by omitting from section twenty-one the words “the board shall as soon as practicable after the close of each financial year prepare and forward to the Minister” and inserting in lieu thereof the words “as soon as practicable after the close of each financial year the Minister shall prepare” ;
- (b)

Housing (Amendment).

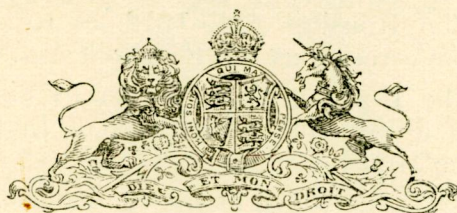
- (b) by omitting from paragraph (d) of the same section the word "board" and inserting in lieu thereof the word "Minister";
- (c) by omitting from paragraph (e) of the same section the words "the fees of the board and";
- (d) by omitting from paragraph (f) of the same section the words "board's work" and inserting in lieu thereof the words "operations under this Act";
- (e) by omitting from the same section the words "within six weeks from the expiration of the financial year" and by inserting in lieu thereof the words "as soon as practicable";
- (14) by omitting from section twenty-two the words "shall appoint a manager who shall be the executive officer of the board and such other" and inserting in lieu thereof the words "may appoint such"; Sec. 22.
- (15) (a) by omitting from subsection one of section twenty-six the words "on the recommendation of the board"; Sec. 26.
- (b) by omitting from subsections three and four of the same section the word "board" wherever occurring, and inserting in lieu thereof the word "Minister";
- (16) (a) by omitting from section twenty-eight the word "board" wherever occurring and inserting in lieu thereof the word "Minister"; Sec. 28.
- (b) by omitting from the same section the words "in its opinion";
- (17) (a) by omitting from section thirty the word "board" and inserting in lieu thereof the word "Minister"; Sec. 30.
- (b) by omitting the words "thirty" and "twenty" and inserting in lieu thereof respectively the words "forty" and "twenty-five";
- (18) by omitting from section thirty-two the words "the board" and inserting in lieu thereof the words "(1) The Minister"; Sec. 32.
- (19) (a) by omitting from the first paragraph of section thirty-four the words "board may at its option" and inserting in lieu thereof the words "Minister may"; Sec. 34.
- (b) by omitting from the second paragraph of the same section the word "board" where firstly and secondly occurring, and inserting in lieu thereof the word "Minister"; and by omitting from the same paragraph the words "the statutory declaration of one of the members of the board" and inserting in lieu thereof the words "statutory declaration";
- (c) by omitting from the third paragraph of the same section the word "board" wherever occurring and inserting in lieu thereof the word "Minister";
- (20) by omitting from sections nine, sixteen, eighteen, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-nine, thirty-one, thirty-three, thirty-five, thirty-six, and thirty-seven, the words "board" or "Housing Board" wherever occurring therein and inserting in lieu thereof the word "Minister." Secs. 9, 16, 18, 23, 24, 25, 27, 29, 31, 33, 35, 36, and 37.



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 12 November, 1924.

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. 27, 1924.

An Act to abolish the Housing Board ; to confer certain powers upon the Minister ; to provide for the vesting of certain lands and securities in the Commissioners of the Government Savings Bank of New South Wales ; to confer on the said Commissioners certain powers of management and other powers ; to validate certain acts of the Housing Board and the Minister ; to amend the Housing Act, 1912, and certain other Acts ; and for purposes connected therewith. [Assented to, 17th November, 1924.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Housing (Amendment).

BE it enacted by the King'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:—

Short title.

1. (1) This Act may be cited as the "Housing (Amendment) Act, 1924," and shall be construed with the Housing Act, 1912, as amended by the Housing (Extension) Act, 1919.

(2) The Housing Act, 1912, as so amended, is hereinafter referred to as the Principal Act.

Dissolution of board and substitution of Minister.

2. (1) The Housing Board is hereby dissolved, and the powers, duties, and authorities of that board are vested in the Minister.

(2) All lands which at the commencement of this Act are vested in the Housing Board or any Minister or corporation for the purposes of the Principal Act, and all choses in action and property of any description at the said commencement vested in the said Housing Board, Minister, or corporation, are hereby vested in the Minister, subject to all equities affecting the same.

(3) Except as provided in this Act, any rights or liabilities which could have been enforced by or against the Housing Board if this Act had not been passed shall, from and after the passing of this Act, be enforceable by or against the Minister.

Schedule of consequential amendments.

(4) For the purposes of carrying out the above provision and for purposes relating thereto the Principal Act is amended as set out in the Schedule attached hereto.

Powers of Minister—Amendment of Principal Act, s. 8.

3. The Principal Act is further amended—

(a) by omitting from section eight the words "The board may, in its discretion and subject to such conditions as it thinks fit, let on" and inserting in lieu thereof the words "(1) The Minister may";

(b) by inserting in the same section after the words "any other purpose" the words "than for public use";

(c)

Housing (Amendment).

(c) by omitting from the same section all words following the words "fifteen years" and inserting the following subsections in lieu thereof :—

(2) Where under this Act buildings are erected for public use, the Minister may lease them to any person for such term and upon such conditions as the Minister thinks fit. ^{Power to lease.}

(3) Every lease made under this section shall be made to take effect in possession not later than three months after its date. ^{cf. Conveyancing Act, 1919, s. 106.}

(4) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken or the rent made payable in advance except as to the last payment, which may be made payable on a day not more than one month before the expiration of the term.

(5) Every such lease shall contain a condition of re-entry on the rent not being paid within a time therein specified, not exceeding thirty days, and the covenants implied by section eighty-four of the Conveyancing Act, 1919, shall not be excluded therefrom.

(d) by omitting section ten and by inserting the following section in lieu thereof :—

10. (1) The Minister may by public auction or private contract sell any such land upon such terms and conditions as he thinks fit to any person for cash or upon terms : ^{Power to sell.}

Provided that—

(a) no one person may purchase more than one house and the land reasonably required therewith not exceeding in area one quarter of an acre or thereabouts ;

(b) the buyer shall satisfy the Minister that he is purchasing the land for his home or for the home of a member of his family ;

(c)

Housing (Amendment).

- (c) the maximum periods for the payment of purchase money by instalments shall be, for brick, concrete, or stone buildings, forty years, and for wooden buildings, twenty-five years;
- (d) the Minister shall not sell any land within the boundaries of the original Dacey Garden Suburb as defined by the Governor by proclamation in the Gazette.

(2) The Minister may, with the previous approval of the Governor, sell by auction or by private treaty upon such terms and conditions as may be so approved any land or other property vested in him by this Act without regard to paragraphs (a), (b), and (c) of the proviso to subsection one of this section.

(3) Any purchase money received from the sale of land which has been appropriated under this Act shall be paid to the Housing Fund, and that Fund shall be charged with the value of the land as at the date of appropriation.

- (e) by adding at the end of section twelve the following new subsections:—

(2) The Minister may agree to cancel any contract of sale made before or after the commencement of the Housing (Amendment) Act, 1924.

(3) The Minister may, if he thinks fit, pay to the person surrendering any land leased, granted, or dedicated, or to the purchaser upon the cancellation of a contract of sale, such sum by way of compensation for any visible and effective improvements on the land, but not exceeding the value of the improvements at the date of such surrender or cancellation, the cost of which has not been defrayed or advanced by the Housing Board or the Minister, as to the Minister may seem just.

(4)

Power to
agree to
cancellation
of sales.

Compensa-
tion on
surrender.

Housing (Amendment).

(4) The Minister may also in his discretion repay to a purchaser upon the cancellation of a contract of sale the whole or such proportion as he thinks fit of the purchase money of the land which has been paid by the purchaser under this Act.

(f) by omitting section thirteen and inserting in lieu thereof the following new sections:—

13. (1) The Minister may—

Power to remit, extend times, &c.

(a) remit any part of the amount due under any contract of sale of land or land and buildings, or under any mortgage in respect of an advance made for the purchase, erection, or improvement of land or buildings;

(b) extend the period provided for payment of any purchase money or advance to a term not exceeding forty years where the subject matter of the purchase or advance is a brick, concrete, or stone building, or to a term not exceeding twenty-five years in the case of a wooden building.

(2) The Minister may make and impose charges in connection with temporary services of water supply, lighting, or sewerage provided for houses built and sold or leased under this Act to recoup the expenses incurred in connection therewith or in connection with guarantees given in respect thereof.

Water supply, lighting and sewerage services.

(3) The powers conferred by this section shall extend to contracts of sale made, mortgages given, and services provided prior to the commencement of the Housing (Amendment) Act, 1924.

Section made retroactive.

13A. (1) A purchaser from the board may within six months after the passing of the Housing (Amendment) Act, 1924, apply to the Minister for a revision of the amount of the purchase money to be paid by him.

Revision of price.

(2)

Housing (Amendment).

(2) The application may be made only on the grounds that by reason of the settlement of the foundations due to faulty construction or by reason of faulty workmanship the house has depreciated in value.

(3) The Minister shall refer the application to the Government Architect for report, and if the Government Architect certifies that the settlement of the foundations is due to faulty construction, or that the workmanship in other respects has been faulty (upon which facts the certificate shall be final) the Minister shall refer the application to the Valuer-General, and shall remit such portion of the purchase money as the Valuer-General certifies to be fair and reasonable within the circumstances.

(4) If such purchaser be not satisfied to accept such remission he may within one month after the offer thereof is served upon him elect to cancel the purchase, and upon so doing he shall be entitled to a refund of all moneys paid by him subject to the deduction of—

- (a) simple interest on the purchase price at six and a half per centum per annum;
- (b) all local government rates levied and not paid by the purchaser; and
- (c) all premiums for fire insurance of the property not paid by the purchaser.

13B. The Minister may sell to any person by public auction or private contract and upon such terms and conditions as he may deem fit any land vested in him under this Act which has been acquired for the purpose of correcting encroachments.

(g) by inserting the following new sections next after section eighteen:—

18A. (1) The Minister may arrange with the Colonial Treasurer, the Minister for Lands, the Public Trustee, or the Sydney Harbour Trust

Power to sell
superfluous
lands.

Delegation of
powers.

Housing (Amendment).

Trust Commissioners, or any one or more of them, for the delegation of all or any of the powers and duties in relation to any land, and the buildings thereon, conferred and imposed on the Minister by this Act, and such Colonial Treasurer, Minister for Lands, Public Trustee, or Commissioners shall, as the deputy and attorney of the Minister, be authorised to exercise as and for the Minister the powers and duties so delegated as aforesaid.

(2) For so doing they shall be paid out of the Housing Fund such annual fee or commission as may be arranged.

18B. (1) The Governor may by proclamation withdraw from the Minister any lands vested in the Minister under this Act, and upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister and shall be deemed to be Crown lands reserved from every form of sale or lease, within the meaning of the Crown Lands Consolidation Act, 1913, until otherwise notified in the Gazette, subject as provided in the next following subsection.

Crown lands.
Transfers of
land to
Minister for
Lands.

(2) Upon any land so withdrawn being subsequently sold, leased, or otherwise disposed of—

- (a) if the land is land which was resumed or purchased for housing purposes the proceeds of the sale or lease or other disposition, less cost of collection and other necessary expenses, shall be paid to the Housing Fund ;
- (b) if the land is land which was Crown lands, and was appropriated for housing purposes, the proceeds of the sale, lease, or other disposition shall be applied as follows :—
 - (i) The costs of sale and collection shall be first paid thereout.
 - (ii)

Housing (Amendment).

- (ii) Of the balance the amount which represents the value of the land at the date of the appropriation shall be credited to such accounts as it would be credited to if the amount were received in the ordinary course of the alienation of Crown Lands.
- (iii) Of the balance remaining the Housing Fund shall be credited with the amount (if any) expended from that fund in respect of such appropriation, and the amount (if any) so expended upon works for the improvement of the land together with the amount of interest paid or payable by the Housing Fund to the Consolidated Revenue Fund in respect of such expenditure under section fourteen of this Act.
- (iv) If there is any balance remaining the surplus shall be divided equally, and one-half credited to the Housing Fund and the other half as in paragraph (b) (ii) of this subsection.
- (h) by adding to section thirty-two the following new subsection :—

Refusal
to sign
mortgage.

(2) In the event of the applicant refusing or failing to sign the prescribed form of mortgage in respect of any advance made under this Act, whether before or after the passing of the Housing (Amendment) Act, 1924, when required in writing under the hand of the Minister so to do, the Minister may nominate in writing under his official seal an officer of the public service to execute in the name and on behalf of such applicant the prescribed form of mortgage, and the mortgage when so executed shall for all purposes be as valid and effectual as if executed by the applicant.

Housing (Amendment).

4. The Principal Act is further amended by the addition after section forty of the following new Part:—

Amendment
of Principal
Act—new
Part III.

PART III.

MISCELLANEOUS.

41. (1) The Governor may resume under the provisions of the Public Works Act, 1912, land upon which a dwelling-house has been erected by the Housing Board or the Minister for a purchaser, or by a person to whom an advance has been made under this Act for the erection of the dwelling-house, in the event of the purchaser or the person to whom the advance has been made declining or failing to execute the prescribed form of purchase agreement or mortgage, as the case may be, upon being required in writing so to do.

Resumption
under certain
circum-
stances.

(2) The compensation in any such case shall be assessed only in respect of the interest of the purchaser or person to whom the advance was made, and any increased value to the land occasioned by the expenditure of the Housing Board or the Minister, or of the advance made by either, shall be disregarded.

Compensa-
tion limited.

42. Where an agreement for purchase is cancelled or forfeited for non-fulfilment of the conditions thereof, it shall be lawful for the Minister in lieu of the damages provided for in the agreement to claim and recover for use and occupation an amount equivalent to eight and one-half per centum per annum of the improved capital value of the property.

Cancellation
of agreement.

43. (1) Where a purchaser of a dwelling-house under this Act makes default in observing and performing any of the terms of the agreement, the Minister may cancel the agreement upon giving the purchaser at least one month's notice in writing of his intention so to do, and on or before the date of the expiration of such notice the purchaser shall give up possession of the said dwelling-house to the Minister.

Possession to
Minister upon
cancellation
of agreement.

(2)

Housing (Amendment).

(2) If the purchaser refuses so to do the Minister may issue his warrant to the Sheriff to deliver possession of the dwelling-house to the person appointed in such warrant to receive the same.

(3) Upon the receipt of such warrant the Sheriff shall deliver possession of such dwelling-house accordingly, and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; the amount of such costs, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

(4) The Minister may, in his discretion, repay to a purchaser whose agreement has been so cancelled the whole or such proportion as he thinks fit of the purchase money of the dwelling-house which has been paid by the purchaser under this Act.

Withdrawal
of certain
lands.

44. (1) The Governor may by proclamation withdraw from the Minister the properties known as number eight Hickson-road, City of Sydney, and number two hundred and eleven Kent-street, City of Sydney, which were resumed for purposes of the Housing Act, 1912, by notifications published in the Gazette number fifty-five of fifteenth day of April, one thousand nine hundred and twenty-one. Upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister.

(2) The Governor may, by proclamation in the Gazette, vest such lands in the Colonial Treasurer, or other Minister, as trustee on behalf of His Majesty the King.

Validation.

5. (1) The following acts of the Housing Board and the Minister are validated:—

(a) The sale or leasing of land or land and buildings to persons not qualified under the Principal Act, or upon terms not authorised by the said Act;

(b)

Housing (Amendment).

- (b) the reduction of the price and the extension of the period of payment for any land or buildings ;
 - (c) the provision of temporary services for water supply, lighting, and sewerage in the case of certain houses built and sold or leased under the Principal Act, the giving of guarantees in connection with such provision, and the imposition of charges to pay for such services ;
 - (d) the setting apart of land as sites for buildings, or for religious, charitable, or municipal purposes ;
 - (e) the setting apart of land for public recreation or for other public purposes, and the improvement of such lands ;
 - (f) the erection of buildings for residential, business, or other purposes or for public use ;
 - (g) the making of advances or the incurring of expenditure for the erection or improvement of houses ;
 - (h) the making of advances or the incurring of expenditure to enable an applicant to complete the purchase and the erection or improvement of a house or site, or both ;
 - (i) the acceptance of deposits which were less than five per centum of the amount advanced or expended under the Principal Act ; and the acceptance of the lodgment of deeds of land in lieu of the lodgments of deposits required by the Principal Act ;
 - (j) the extension of the term of payment for brick, concrete, and stone buildings to forty years ;
 - (k) the charging of the cost of any of the foregoing upon the Housing Fund ;
 - (l) the sale by auction of any land and buildings to any purchaser at any price and subject to any conditions.
- (2) All sales, purchases, payments, and transactions made or entered into by the Minister or the Housing Board before the passing of this Act, which
are

Housing (Amendment).

are in conformity with the provisions of the Principal Act as amended by this Act, shall be deemed to have been and to be valid.

(3) The Minister may complete any sales, purchases, and transactions pending at the passing of this Act; and may grant concessions in connection therewith.

Power to vest land in the Commissioners of the Government Savings Bank of New South Wales.

Power to vest land in Commissioners of Government Savings Bank.

6. (1) The Governor may from time to time, by proclamation published in the Gazette, vest in the Commissioners of the Government Savings Bank of New South Wales, as and from a date specified in the proclamation, any land vested in the Minister and which is the subject of an agreement for sale, and the right to receive any moneys payable under such agreement, and the right to receive any moneys payable to the Minister in respect of advances made by him or the Housing Board, and the securities therefor, for such estate and interest as is vested in the Minister at the date specified in the proclamation, subject to the equities affecting the same.

(2) The Governor shall not issue any such proclamation except with the consent of the Commissioners, and—

- (a) until a statement in the prescribed form of the amounts due by each purchaser or mortgagor in respect of principal, interest, and other charges has been certified to by the Auditor-General to be correct and in accordance with the books of account, records, and securities kept by the Housing Board appointed under the Housing Act, 1912, or the Minister; and
- (b) until all completed securities or other documents required by the Commissioners have been handed to them.

(3) Upon the date so specified in the proclamation under this section in the Gazette, the land therein described, the right to receive and recover any amounts therein

Housing (Amendment).

therein stated to be payable in respect thereof, the securities for money, and the right to receive and recover such moneys shall be vested in the Commissioners without any further assurance for all the estate, right, title, and interest of the Minister therein, subject to the equities affecting the same.

(4) Any person indebted at the date so specified in the proclamation in any sum of money in respect of such land or security, shall pay such sum to the Commissioners in accordance with the terms of his agreement or of the security, and the receipt of the Commissioners shall be a sufficient discharge for any such sum, and any right of action accrued to or against, and any agreement, mortgage, bond, guarantee, lease, covenant, judgment debt, policy of insurance, or obligation made or entered into by or with the Housing Board or the Minister, in relation to any land, security, or chose in action so vested by proclamation in the Commissioners may be prosecuted and enforced by or against the Commissioners in their name as if the right of action had originally accrued to or against, or the agreement, mortgage, bond, guarantee, lease, covenant, judgment debt, policy of insurance, or obligation had been made or entered into with the Commissioners.

(5) All money due and owing at the date so specified in the proclamation to any person by the Housing Board or the Minister in relation to any of the lands or securities so vested in the Commissioners by the proclamation shall be paid by and be recoverable from the Commissioners, and the payment shall by them be treated in account as provided in Part VIA of the Government Savings Bank Act, 1906, inserted by this Act.

(6) The Commissioners, after the publication of any proclamation referred to in this section, shall have all the powers, duties, and liabilities in relation to the lands and securities vested in them which by sections ten, twelve, thirty-two, forty-one, forty-two, and forty-three of the Principal Act, as amended by this Act, are reposed in the Minister.

Housing (Amendment).

Consequential
amendments of
Govt. Savings
Bank Act, 1906.
Sec. 3.

7. The Government Savings Bank Act, 1906, is amended as follows:—

- (a) By inserting in section three after the words "Division 4—General—ss. 69, 70" the words "Part VIA—Government Housing Department—ss. 70A–70G";
- Sec. 23. (b) (i) by omitting from subsection one of section twenty-three the word "three" and inserting in lieu thereof the word "four"; and by adding at the end of the same subsection the words "(d) the Government Housing Department";
- (ii) by inserting in the first proviso to subsection three of the same section after the words "Rural Bank Department" wherever occurring, the words "or Government Housing Department";
- Sec. 70. (c) by inserting after section seventy the following new Part:—

PART VIA.

GOVERNMENT HOUSING DEPARTMENT.

Establish-
ment of
Government
Housing
Department.

70A. There shall be a Government Housing Department of the bank, to administer such properties and securities as may be vested in the Commissioners under the provisions of the Housing (Amendment) Act, 1924.

Functions.

70B. The Commissioners shall collect and carry to the Government Housing Department all payments of purchase money and interest, and all repayments of advances and interest thereon made under the Housing Act, 1912, and subsequent Acts amending the same, or any other amounts receivable in connection therewith so far as the properties sold or the securities for the advances have been vested in the Commissioners in pursuance of the Housing (Amendment) Act, 1924.

Accounts.

70c. (1) The liability of the Commissioners in respect of the properties and securities so vested in them shall be shown in the books of the department,

Housing (Amendment).

department, wherein the Minister administering the Housing Act, 1912, shall be credited with the total amount owing by the purchasers or borrowers in respect of the properties or securities so vested in the Commissioners at the time of the vesting, and with interest at the rate fixed by the Colonial Treasurer under section fourteen of the Housing Act, 1912, as amended by subsequent Acts.

(2) Such account shall be debited with the amounts paid by the Commissioners to the Housing Fund or paid by them under the provisions of subsection five of section six of the Housing (Amendment) Act, 1924, if chargeable to the Minister administering the Housing Act, 1912, or to the Housing Board and not to a purchaser or borrower by the terms of any agreement or mortgage or by any rule of law or equity.

70D. (1) Amounts received from purchasers or borrowers on account of purchase or principal moneys due and all principal moneys arising from resales, foreclosures, or otherwise, shall be paid by the Commissioners to the Housing Fund established under the Housing Act, 1912, in a monthly settlement not later than the fifteenth day of each month in respect of the previous month's receipts. Payments to
Housing
Fund.

(2) The Commissioners may in their discretion pay to the Housing Fund any other funds available from the liquidation of the properties and securities vested in them under the Housing (Amendment) Act, 1924.

70E. The Commissioners shall establish a reserve fund in respect of the properties and securities so vested in them, to which any profits therefrom shall be carried from profit and loss account, and to which any charges paid directly on behalf of the department, a Reserve
Fund.
and

Housing (Amendment).

and the cost of administration of the department as apportioned under section twenty-three of this Act, and all losses however arising, shall be debited.

The balance of this fund shall be certified by the Auditor-General on or before the thirtieth day of September in each year, and if the reserve fund is in debit—

- (a) the amount shall be made good by the Minister from the Housing Fund; or
- (b) may be adjusted by the Commissioners from any amount payable to the Housing Fund in respect of principal moneys repaid or otherwise.

Such payment or adjustment shall be deemed to be payment from the capital division of the Housing Fund. In case of any deficiency in the Housing Fund such deficiency shall, on being certified by the Commissioners, be made good to the Commissioners out of the Consolidated Revenue Fund within one month after the said date.

Place of
payments by
purchasers or
mortgagors.

70F. Amounts payable by a purchaser or borrower in respect of a property so vested in the Commissioners shall be paid at such branch of the bank as the Commissioners may approve.

Indemnity.

70G. The Commissioners are hereby indemnified in respect of any act done by them, and of any losses, costs, or damages incurred by them in the bona fide execution of the powers vested in them under this Part of this Act.

Housing (Amendment).

SCHEDULE

AMENDMENTS REFERRED TO IN SECTION 2, SUBSECTION (4).

- (1) (a) By omitting from section two the definition of the word "Board" ; Sec. 2.
 (b) by omitting from the same section the definition of the word "Minister" ;
- (2) by omitting section three and the short heading thereto and inserting the following section in lieu of the said section :—
 3. For the purposes of this Act the Minister is constituted a corporation sole under that name with perpetual succession and a seal of office which shall be judicially noticed, and may hold property of any description, and in his corporate name sue and be sued and take all legal proceedings ;
- (3) by inserting in section 4B after the word "stock" the word "debentures" ; Sec. 4B.
- (4) (a) by omitting from section five the words "the Board shall" and inserting in lieu thereof the words "The Minister may" ; Sec. 5.
 (b) by omitting from the same section the words "so purchased, resumed, or appropriated" and inserting in lieu thereof the words "vested in or acquired by him" ;
 (c) by inserting in the same section after the word "reserves" the words "for public recreation or for other public purposes" ;
 (d) by omitting from the same section the words "and shall submit the same, and any alterations in it, to the Minister for his approval" ;
- (5) (a) by omitting from section six the words "the Board, in pursuance of any such plan which has been approved by the Minister," and inserting in lieu thereof the words "the Minister" ; Sec. 6.
 (b) by inserting in paragraph (a) of the same section after the word "on" the words "or in relation to" ;
 (c) by inserting in paragraph (b) of the same section after the word "dedicate" the words "by notification in the Gazette any" ; and by adding at the end of the same paragraph the words "by notification in the Gazette vest such reserves in a municipal or shire council, or in trustees. Where a reserve is so vested in trustees other than a council, the provisions of the Public Parks Act, 1912, shall be deemed to extend to the reserve" ;
 (d) by inserting in section six the following additional paragraphs :—
 (d) provide plots in any road for the ornamentation of the land subdivided and plant and maintain the same ;
 (e) apply moneys out of the Housing Fund for any purpose authorised by this section and also towards prizes for annual garden competitions for tenants or purchasers in respect of the land leased or purchased by them.

(6)

Housing (Amendment).

- Sec. 7. (6) by omitting section seven and inserting the following section in lieu thereof:—
 7. The Minister may erect on any such land buildings for residential, business, or other purposes, or for public use, and shall be charged with the duty of maintaining and repairing them, and insuring them against loss by fire ;
- Erection of buildings by Minister.
- Sec. 11. (7) (a) by omitting from section eleven the words "on the recommendation of the board" ;
 (b) by omitting from the same section the words "purchased, resumed, or appropriated" and inserting in lieu thereof the words "vested in or acquired by him" ;
 (c) by omitting from the same section the word "board" where secondly occurring and inserting the word "Minister" in lieu thereof ;
 (d) by omitting from the same section the words "if the board so recommends" and inserting in lieu thereof the words "unless the Governor otherwise directs" ;
- Sec. 12. (8) (a) by omitting from section twelve the words "the board or the Minister on the recommendation of the board" and inserting in lieu thereof the words "(1) The Minister" ;
 (b) by inserting in the same section after the word "leased" the word "dedicated" ;
 (c) by omitting from the same section the word "board" where thirdly occurring and inserting in lieu thereof the word "Minister" ;
- Sec. 14. (9) by omitting from section fourteen the word "Minister" wherever occurring and by inserting in lieu thereof the words "Colonial Treasurer" ; and by omitting the word "board" and inserting in lieu thereof the word "Minister" ;
- Sec. 17. (10) (a) by omitting from section seventeen the word "board" wherever occurring and inserting in lieu thereof the word "Minister" ;
 (b) by omitting from the third paragraph of the same section the words "as the Minister may direct" and inserting in lieu thereof the words "as the Colonial Treasurer may direct" ;
- Sec. 19. (11) (a) by omitting from section nineteen the words "The fees of the board and" ;
 (b) by omitting from the same section the word "board" where secondly and thirdly occurring and inserting in lieu thereof the word "Minister" ;
- Sec. 20. (12) (a) by omitting from section twenty and from the short heading thereto the word "board" wherever occurring and inserting in lieu thereof the word "Minister" ;
 (b) by omitting from the same section the word "it" and inserting in lieu thereof the word "him" ;
- Sec. 21. (13) (a) by omitting from section twenty-one the words "the board shall as soon as practicable after the close of each financial year prepare and forward to the Minister" and inserting in lieu thereof the words "as soon as practicable after the close of each financial year the Minister shall prepare" ;
 (b)

Housing (Amendment).

- (b) by omitting from paragraph (d) of the same section the word "board" and inserting in lieu thereof the word "Minister";
- (c) by omitting from paragraph (e) of the same section the words "the fees of the board and";
- (d) by omitting from paragraph (f) of the same section the words "board's work" and inserting in lieu thereof the words "operations under this Act";
- (e) by omitting from the same section the words "within six weeks from the expiration of the financial year" and by inserting in lieu thereof the words "as soon as practicable";
- (14) by omitting from section twenty-two the words "shall appoint a manager who shall be the executive officer of the board and such other" and inserting in lieu thereof the words "may appoint such"; Sec. 22.
- (15) (a) by omitting from subsection one of section twenty-six the words "on the recommendation of the board"; Sec. 26.
 (b) by omitting from subsections three and four of the same section the word "board" wherever occurring, and inserting in lieu thereof the word "Minister";
- (16) (a) by omitting from section twenty-eight the word "board" wherever occurring and inserting in lieu thereof the word "Minister"; Sec. 28.
 (b) by omitting from the same section the words "in its opinion";
- (17) (a) by omitting from section thirty the word "board" and inserting in lieu thereof the word "Minister"; Sec. 30.
 (b) by omitting the words "thirty" and "twenty" and inserting in lieu thereof respectively the words "forty" and "twenty-five";
- (18) by omitting from section thirty-two the words "the board" and inserting in lieu thereof the words "(1) The Minister"; Sec. 32.
- (19) (a) by omitting from the first paragraph of section thirty-four the words "board may at its option" and inserting in lieu thereof the words "Minister may"; Sec. 34.
 (b) by omitting from the second paragraph of the same section the word "board" where firstly and secondly occurring, and inserting in lieu thereof the word "Minister"; and by omitting from the same paragraph the words "the statutory declaration of one of the members of the board" and inserting in lieu thereof the words "statutory declaration";
 (c) by omitting from the third paragraph of the same section the word "board" wherever occurring and inserting in lieu thereof the word "Minister";
- (20) by omitting from sections nine, sixteen, eighteen, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-nine, thirty-one, thirty-three, thirty-five, thirty-six, and thirty-seven, the words "board" or "Housing Board" wherever occurring therein and inserting in lieu thereof the word "Minister." Secs. 9, 16, 18, 23, 24, 25, 27, 29, 31, 33, 35, 36, and 37.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Government House, Governor.
 Sydney, 17th November, 1924.

1924.

Legislative Council.

Housing (Amendment) Bill, 1924.

EXPLANATORY NOTE.

THE object of this Bill is to provide for the abolition of the Housing Board and to make suitable arrangements to wind up the business of the Housing Board Office.

The Government has decided that no more houses shall be built by the Board ; and it is proposed, as soon as possible, to close the office. Before that can be done there are numerous transactions which need to be settled, sales not yet completed, disputes not settled, vacant lands to be disposed of, and so on. For dealing with these matters the Minister does not need a Housing Board, considering that he can bring matters to finality much more quickly by direct Ministerial administration. Hence the proposal to abolish the Board and transfer to the Minister the powers given in the Act to the Board.

To enable the Minister to close transactions quickly certain new powers are needed—power to sell superfluous lands, power to grant leases, power to agree to cancellation of sales, power to make concessions, to remit amounts due, and to extend time for payment, and so on.

There are numerous actions which the Housing Board has taken, not covered by the existing Act. Some were submitted for Minister's approval before being done, while others were not. These are submitted for validation (*vide* clause 5).

The Minister proposes, as part of the winding-up of the Housing Board business, to transfer portions of the work to other Departments already doing similar work. Thus he proposes to transfer to the Government Savings Bank the business of collecting the instalments of purchase money on the houses sold. And it may be found desirable to arrange with the Public Trustee to collect the rents of houses not sold, but let at a rental ; and so on. The Bill contains provisions giving the necessary power to make these transfers and re-arrangements if, upon investigation, they be decided upon.

Finally, the Schedule contains a large number of consequential amendments in the Housing Act designed to give effect to the matters thus outlined.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 November, 1924.*

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. , 1924.

An Act to abolish the Housing Board ; to confer certain powers upon the Minister ; to provide for the vesting of certain lands and securities in the Commissioners of the Government Savings Bank of New South Wales ; to confer on the said Commissioners certain powers of management and other powers ; to validate certain acts of the Housing Board and the Minister ; to amend the Housing Act, 1912, and certain other Acts ; and for purposes connected therewith.

Housing (Amendment).

BE it enacted by the King'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Housing Short title.
(Amendment) Act, 1924," and shall be construed with the Housing Act, 1912, as amended by the Housing (Extension) Act, 1919.

10 (2) The Housing Act, 1912, as so amended, is hereinafter referred to as the Principal Act.

2. (1) The Housing Board is hereby dissolved, and Dissolution of board and substitution of Minister. the powers, duties, and authorities of that board are vested in the Minister.

15 (2) All lands which at the commencement of this Act are vested in the Housing Board or any Minister or corporation for the purposes of the Principal Act, and all choses in action and property of any description at the said commencement vested in the said Housing
20 Board, Minister, or corporation, are hereby vested in the Minister, subject to all equities affecting the same.

(3) Except as provided in this Act, any rights or liabilities which could have been enforced by or against the Housing Board if this Act had not been passed shall,
25 from and after the passing of this Act, be enforceable by or against the Minister.

(4) For the purposes of carrying out the above Schedule of consequential amendments. provision and for purposes relating thereto the Principal Act is amended as set out in the Schedule attached
30 hereto.

3. The Principal Act is further amended—

(a) by omitting from section eight the words "The Powers of Minister— Amendment of Principal Act, s. 8. board may, in its discretion and subject to such conditions as it thinks fit, let on" and inserting
35 in lieu thereof the words "(1) The Minister may";

(b) by inserting in the same section after the words "any other purpose" the words "than for public use";

(c)

Housing (Amendment).

(c) by omitting from the same section all words following the words "fifteen years" and inserting the following subsections in lieu thereof :—

5 (2) Where under this Act buildings are erected for public use, the Minister may lease them to any person for such term and upon such conditions as the Minister thinks fit. Power to lease.

10 (3) Every lease made under this section shall be made to take effect in possession not later than three months after its date. cf. Conveyancing Act, 1919, s. 106.

15 (1) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken or the rent made payable in advance except as to the last payment, which may be made payable on a day not more than one month before the expiration of the term.

20 (5) Every such lease shall contain a condition of re-entry on the rent not being paid within a time therein specified, not exceeding thirty days, and the covenants implied by section eighty-four of the Conveyancing Act, 1919, shall not be excluded therefrom.

25 (d) by omitting section ten and by inserting the following section in lieu thereof :—

30 10. (1) The Minister may by public auction or private contract sell any such land upon such terms and conditions as he thinks fit to any person for cash or upon terms : Power to sell.

Provided that—

35 (a) no one person may purchase more than one house and the land reasonably required therewith not exceeding in area one quarter of an acre or thereabouts ;

40 (b) the buyer shall satisfy the Minister that he is purchasing the land for his home or for the home of a member of his family ;

(c)

Housing (Amendment).

5 (c) the maximum periods for the payment of purchase money by instalments shall be, for brick, concrete, or stone buildings, forty years, and for wooden buildings, twenty-five years;

10 (d) the Minister shall not sell any land within the boundaries of the original Dacey Garden Suburb as defined by the Governor by proclamation in the Gazette.

15 (2) The Minister may, with the previous approval of the Governor, sell by auction or by private treaty upon such terms and conditions as may be so approved any land or other property vested in him by this Act without regard to paragraphs (a), (b), and (c) of the proviso to subsection one of this section.

20 (3) Any purchase money received from the sale of land which has been appropriated under this Act shall be paid to the Housing Fund, and that Fund shall be charged with the value of the land as at the date of appropriation.

25 (c) by adding at the end of section twelve the following new subsections:—

(2) The Minister may agree to cancel any contract act of sale made before or after the commencement of the Housing (Amendment) Act, 1924. Power to agree to cancellation of sales.

30 (3) The Minister may, if he thinks fit, pay to the person surrendering any land leased, granted, or dedicated, or to the purchaser upon the cancellation of a contract of sale, such sum by way of compensation for any visible and Compensation on surrender.
35 effective improvements on the land, but not exceeding the value of the improvements at the date of such surrender or cancellation, the cost of which has not been defrayed or
40 advanced by the Housing Board or the Minister, as to the Minister may seem just.

(4)

Housing (Amendment).

(4) The Minister may also in his discretion repay to a purchaser upon the cancellation of a contract of sale the whole or such proportion as he thinks fit of the purchase money of the land which has been paid by the purchaser under this Act.

(f) by omitting section thirteen and inserting in lieu thereof the following new sections:—

13. (1) The Minister may—

(a) remit any part of the amount due under any contract of sale of land or land and buildings, or under any mortgage in respect of an advance made for the purchase, erection, or improvement of land or buildings;

Power to remit, extend times, &c.

(b) extend the period provided for payment of any purchase money or advance to a term not exceeding forty years where the subject matter of the purchase or advance is a brick, concrete, or stone building, or to a term not exceeding twenty-five years in the case of a wooden building.

(2) The Minister may make and impose charges in connection with temporary services of water supply, lighting, or sewerage provided for houses built and sold or leased under this Act to recoup the expenses incurred in connection therewith or in connection with guarantees given in respect thereof.

Water supply, lighting and sewerage services.

(3) The powers conferred by this section shall extend to contracts of sale made, mortgages given, and services provided prior to the commencement of the Housing (Amendment) Act, 1924.

Section made retroactive.

13A. (1) A purchaser from the board may within six months after the passing of the Housing (Amendment) Act, 1924, apply to the Minister for a revision of the amount of the purchase money to be paid by him.

Revision of price.

(2)

Housing (Amendment).

(2) The application may be made only on the grounds that by reason of the settlement of the foundations due to faulty construction or by reason of faulty workmanship the house has depreciated in value.

(3) The Minister shall refer the application to the Government Architect for report, and if the Government Architect certifies that the settlement of the foundations is due to faulty construction, or that the workmanship in other respects has been faulty (upon which facts the certificate shall be final) the Minister shall refer the application to the Valuer-General, and shall remit such portion of the purchase money as the Valuer-General certifies to be fair and reasonable within the circumstances.

(4) If such purchaser be not satisfied to accept such remission he may within one month after the offer thereof is served upon him elect to cancel the purchase, and upon so doing he shall be entitled to a refund of all moneys paid by him subject to the deduction of—

- (a) simple interest on the purchase price at six and a half per centum per annum;
- (b) all local government rates levied and not paid by the purchaser; and
- (c) all premiums for fire insurance of the property not paid by the purchaser.

13B. The Minister may sell to any person by public auction or private contract and upon such terms and conditions as he may deem fit any land vested in him under this Act which has been acquired for the purpose of correcting encroachments.

(g) by inserting the following new sections next after section eighteen:—

18A. (1) The Minister may arrange with the Colonial Treasurer, the Minister for Lands, the Public Trustee, or the Sydney Harbour Trust

Power to sell
superfluous
lands.

Delegation of
powers.

Housing (Amendment).

Trust Commissioners, or any one or more of them, for the delegation of all or any of the powers and duties in relation to any land, and the buildings thereon, conferred and imposed on the Minister by this Act, and such Colonial Treasurer, Minister for Lands, Public Trustee, or Commissioners shall, as the deputy and attorney of the Minister, be authorised to exercise as and for the Minister the powers and duties so delegated as aforesaid.

(2) For so doing they shall be paid out of the Housing Fund such annual fee or commission as may be arranged.

18B. (1) The Governor may by proclamation withdraw from the Minister any lands vested in the Minister under this Act, and upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister and shall be deemed to be Crown lands reserved from every form of sale or lease, within the meaning of the Crown Lands Consolidation Act, 1913, until otherwise notified in the Gazette, subject as provided in the next following subsection.

Crown lands.
Transfers of
land to
Minister for
Lands.

(2) Upon any land so withdrawn being subsequently sold, leased, or otherwise disposed of—

(a) if the land is land which was resumed or purchased for housing purposes the proceeds of the sale or lease or other disposition, less cost of collection and other necessary expenses, shall be paid to the Housing Fund;

(b) if the land is land which was Crown lands, and was appropriated for housing purposes, the proceeds of the sale, lease, or other disposition shall be applied, as follows:—

(i) The costs of sale and collection shall be first paid thereout.

(ii)

Housing (Amendment).

- 5 (ii) Of the balance the amount which represents the value of the land at the date of the appropriation shall be credited to such accounts as it would be credited to if the amount were received in the ordinary course of the alienation of Crown Lands.
- 10 (iii) Of the balance remaining the Housing Fund shall be credited with the amount (if any) expended from that fund in respect of such appropriation, and the amount (if any) so expended upon works for the improvement of the land together
- 15 with the amount of interest paid or payable by the Housing Fund to the Consolidated Revenue Fund in respect of such expenditure under section fourteen of this Act.
- 20 (iv) If there is any balance remaining the surplus shall be divided equally, and one-half credited to the Housing Fund and the other half as in paragraph (b) (ii) of this subsection.
- 25 (h) by adding to section thirty-two the following new subsection :—
- 30 (2) In the event of the applicant refusing or failing to sign the prescribed form of mortgage in respect of any advance made under this Act, whether before or after the passing of the Housing (Amendment) Act, 1924, when required in writing under the hand of the Minister so to do, the Minister may nominate in writing under his official seal an officer of the public service to execute in the name and on behalf of such applicant the prescribed form of mortgage, and the mortgage when so executed shall for all purposes be as valid and effectual as if executed by the applicant.

Housing (Amendment).

4. The Principal Act is further amended by the addition after section forty of the following new Part:—

Amendment of Principal Act—new Part III.

PART III.

MISCELLANEOUS.

5 41. (1) The Governor may resume under the provisions of the Public Works Act, 1912, land upon which a dwelling-house has been erected by the Housing Board or the Minister for a purchaser, or by a person to whom an advance has been made under this Act for the erection of the dwelling-house, in the event of the purchaser or the person to whom the advance has been made declining or failing to execute the prescribed form of purchase agreement or mortgage, as the case may be, upon being required in writing so to do.

Resumption under certain circumstances.

(2) The compensation in any such case shall be assessed only in respect of the interest of the purchaser or person to whom the advance was made, and any increased value to the land occasioned by the expenditure of the Housing Board or the Minister, or of the advance made by either, shall be disregarded.

Compensation limited.

42. Where any agreement for purchase is cancelled or forfeited for non-fulfilment of the conditions thereof, it shall be lawful for the Minister in lieu of the damages provided for in the agreement to claim and recover for use and occupation an amount equivalent to eight and one-half per centum per annum of the improved capital value of the property.

Cancellation of agreement.

43. (1) Where a purchaser of a dwelling-house under this Act makes default in observing and performing any of the terms of the agreement, the Minister may cancel the agreement upon giving the purchaser at least one month's notice in writing of his intention so to do, and on or before the date of the expiration of such notice the purchaser shall give up possession of the said dwelling-house to the Minister.

Possession to Minister upon cancellation of agreement.

(2)

Housing (Amendment).

5 (2) If the purchaser refuses so to do the Minister may issue his warrant to the Sheriff to deliver possession of the dwelling-house to the person appointed in such warrant to receive the same.

10 (3) Upon the receipt of such warrant the Sheriff shall deliver possession of such dwelling-house accordingly, and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; the amount of such costs, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

15 (4) The Minister may, in his discretion, repay to a purchaser whose agreement has been so cancelled the whole or such proportion as he thinks fit of the purchase money of the dwelling-house which has been paid by the purchaser under this Act.

20 44. (1) The Governor may by proclamation withdraw from the Minister the properties known as number eight Hickson-road, City of Sydney, and number two hundred and eleven Kent-street, City of Sydney, which were resumed for purposes of the Housing Act, 1912, by notifications published in the Gazette number fifty-five of fifteenth day of April, one thousand nine hundred and twenty-one. Upon publication of such proclamation in the Gazette the lands therein specified shall be divested from the Minister.

Withdrawal
of certain
lands.

25 30 (2) The Governor may, by proclamation in the Gazette, vest such lands in the Colonial Treasurer, or other Minister, as trustee on behalf of His Majesty the King.

35 5. (1) The following acts of the Housing Board and the Minister are validated :—

Validation.

40 (a) The sale or leasing of land or land and buildings to persons not qualified under the Principal Act, or upon terms not authorised by the said Act ;

(b)

Housing (Amendment).

- (b) the reduction of the price and the extension of the period of payment for any land or buildings ;
- 5 (c) the provision of temporary services for water supply, lighting, and sewerage in the case of certain houses built and sold or leased under the Principal Act, the giving of guarantees in connection with such provision, and the imposition of charges to pay for such services ;
- 10 (d) the setting apart of land as sites for buildings, or for religious, charitable, or municipal purposes ;
- (e) the setting apart of land for public recreation or for other public purposes, and the improvement of such lands ;
- 15 (f) the erection of buildings for residential, business, or other purposes or for public use ;
- (g) the making of advances or the incurring of expenditure for the erection or improvement of houses ;
- 20 (h) the making of advances or the incurring of expenditure to enable an applicant to complete the purchase and the erection or improvement of a house or site, or both ;
- 25 (i) the acceptance of deposits which were less than five per centum of the amount advanced or expended under the Principal Act ; and the acceptance of the lodgment of deeds of land in lieu of the lodgments of deposits required by the Principal Act ;
- 30 (j) the extension of the term of payment for brick, concrete, and stone buildings to forty years ;
- (k) the charging of the cost of any of the foregoing upon the Housing Fund ;
- 35 (l) the sale by auction of any land and buildings to any purchaser at any price and subject to any conditions.

(2) All sales, purchases, payments, and transactions made or entered into by the Minister or the
40 Housing Board before the passing of this Act, which
are

Housing (Amendment).

are in conformity with the provisions of the Principal Act as amended by this Act, shall be deemed to have been and to be valid.

(3) The Minister may complete any sales, purchases, and transactions pending at the passing of this Act; and may grant concessions in connection therewith.

Power to vest land in the Commissioners of the Government Savings Bank of New South Wales.

6. (1) The Governor may from time to time, Power to vest land in Commissioners of Government Savings Bank. by proclamation published in the Gazette, vest in the Commissioners of the Government Savings Bank of New South Wales, as and from a date specified in the proclamation, any land vested in the Minister and which is the subject of an agreement for sale, and 15 the right to receive any moneys payable under such agreement, and the right to receive any moneys payable to the Minister in respect of advances made by him or the Housing Board, and the securities therefor, for such estate and interest as is vested in the Minister at the 20 date specified in the proclamation, subject to the equities affecting the same.

(2) The Governor shall not issue any such proclamation except with the consent of the Commissioners, and—

- 25 (a) until a statement in the prescribed form of the amounts due by each purchaser or mortgagor in respect of principal, interest, and other charges has been certified to by the Auditor-General to be correct and in accordance with 30 the books of account, records, and securities kept by the Housing Board appointed under the Housing Act, 1912, or the Minister; and
- (b) until all completed securities or other documents required by the Commissioners have 35 been handed to them.

(3) Upon the date so specified in the proclamation under this section in the Gazette, the land therein described, the right to receive and recover any amounts therein

Housing (Amendment).

therein stated to be payable in respect thereof, the securities for money, and the right to receive and recover such moneys shall be vested in the Commissioners without any further assurance for all the estate, 5 right, title, and interest of the Minister therein, subject to the equities affecting the same.

(4) Any person indebted at the date so specified in the proclamation in any sum of money in respect of such land or security, shall pay such sum to the 10 Commissioners in accordance with the terms of his agreement or of the security, and the receipt of the Commissioners shall be a sufficient discharge for any such sum, and any right of action accrued to or against, and any agreement, mortgage, bond, guarantee, lease, 15 covenant, judgment debt, policy of insurance, or obligation made or entered into by or with the Housing Board or the Minister, in relation to any land, security, or chose in action so vested by proclamation in the Commissioners may be prosecuted and enforced by or 20 against the Commissioners in their name as if the right of action had originally accrued to or against, or the agreement, mortgage, bond, guarantee, lease, covenant, judgment debt, policy of insurance, or obligation had been made or entered into with the Commissioners.

25 (5) All money due and owing at the date so specified in the proclamation to any person by the Housing Board or the Minister in relation to any of the lands or securities so vested in the Commissioners by the proclamation shall be paid by and be recoverable from 30 the Commissioners, and the payment shall by them be treated in account as provided in Part VIA of the Government Savings Bank Act, 1906, inserted by this Act.

(6) The Commissioners, after the publication 35 of any proclamation referred to in this section, shall have all the powers, duties, and liabilities in relation to the lands and securities vested in them which by sections ten, twelve, thirty-two, forty-one, forty-two, and forty-three of the Principal Act, as amended by this Act, are 40 reposed in the Minister.

Housing (Amendment).

7. The Government Savings Bank Act, 1906, is amended as follows:—

Consequential amendments of Govt. Savings Bank Act, 1906.

- (a) By inserting in section three after the words "Division 4—General—ss. 69, 70" the words "Part VIA—Government Housing Department—ss. 70A-70G";
- (b) (i) by omitting from subsection one of section twenty-three the word "three" and inserting in lieu thereof the word "four"; and by adding at the end of the same subsection the words "(d) the Government Housing Department";
- (ii) by inserting in the first proviso to subsection three of the same section after the words "Rural Bank Department" wherever occurring, the words "or Government Housing Department";
- (c) by inserting after section seventy the following new Part:—

Sec. 3.

Sec. 23.

Sec. 70.

PART VIA.

GOVERNMENT HOUSING DEPARTMENT.

70A. There shall be a Government Housing Department of the bank, to administer such properties and securities as may be vested in the Commissioners under the provisions of the Housing (Amendment) Act, 1924.

Establishment of Government Housing Department.

70B. The Commissioners shall collect and carry to the Government Housing Department all payments of purchase money and interest, and all repayments of advances and interest thereon made under the Housing Act, 1912, and subsequent Acts amending the same, or any other amounts receivable in connection therewith so far as the properties sold or the securities for the advances have been vested in the Commissioners in pursuance of the Housing (Amendment) Act, 1924.

Functions.

70c. (1) The liability of the Commissioners in respect of the properties and securities so vested in them shall be shown in the books of the department,

Accounts.

Housing (Amendment).

5 department, wherein the Minister administering the Housing Act, 1912, shall be credited with the total amount owing by the purchasers or borrowers in respect of the properties or securities so vested in the Commissioners at the time of the vesting, and with interest at the rate fixed by the Colonial Treasurer under section fourteen of the Housing Act, 1912, as amended by subsequent Acts.

10 (2) Such account shall be debited with the amounts paid by the Commissioners to the Housing Fund or paid by them under the provisions of subsection five of section six of the Housing (Amendment) Act, 1924, if
15 chargeable to the Minister administering the Housing Act, 1912, or to the Housing Board and not to a purchaser or borrower by the terms of any agreement or mortgage or by any rule of law or equity.

20 70D. (1) Amounts received from purchasers or borrowers on account of purchase or principal moneys due and all principal moneys arising from resales, foreclosures, or otherwise, shall be paid by the Commissioners to the Housing Fund established under the Housing Act, 1912, in a monthly settlement not later than the fifteenth day of each month in respect of the previous month's receipts. Payments to Housing Fund.

25
30 (2) The Commissioners may in their discretion pay to the Housing Fund any other funds available from the liquidation of the properties and securities vested in them under the Housing (Amendment) Act, 1924.

35 70E. The Commissioners shall establish a reserve fund in respect of the properties and securities so vested in them, to which any profits therefrom shall be carried from profit and loss account, and to which any charges paid directly on behalf of the department, Reserve Fund.
and

Housing (Amendment).

and the cost of administration of the department as apportioned under section twenty-three of this Act, and all losses however arising, shall be debited.

5 The balance of this fund shall be certified by the Auditor-General on or before the thirtieth day of September in each year, and if the reserve fund is in debit—

- 10 (a) the amount shall be made good by the Minister from the Housing Fund; or
- (b) may be adjusted by the Commissioners from any amount payable to the Housing Fund in respect of principal moneys repaid or otherwise.

15 Such payment or adjustment shall be deemed to be payment from the capital division of the Housing Fund. In case of any deficiency in the Housing Fund such deficiency shall, on being certified by the Commissioners, be made

20 good to the Commissioners out of the Consolidated Revenue Fund within one month after the said date.

25 70F. Amounts payable by a purchaser or borrower in respect of a property so vested in the Commissioners shall be paid at such branch of the bank as the Commissioners may approve.

Place of payments by purchasers or mortgagors.

30 70G. The Commissioners are hereby indemnified in respect of any act done by them, and of any losses, costs, or damages incurred by them in the bona fide execution of the powers vested in them under this Part of this Act.

Indemnity.

Housing (Amendment).

SCHEDULE.

AMENDMENTS REFERRED TO IN SECTION 2, SUBSECTION (4).

- 5 (1) (a) By omitting from section two the definition of the word "Board"; ec. 2.
 (b) by omitting from the same section the definition of the word "Minister";
- (2) by omitting section three and the short heading thereto and inserting the following section in lieu of the said section:— Sec. 3.
 3. For the purposes of this Act the Minister is constituted a corporation sole under that name with perpetual succession and a seal of office which shall be judicially noticed, and may hold property of any description, and in his corporate name sue and be sued and take all legal proceedings; Minister a corporation sole.
- 10 (3) by inserting in section 4B after the word "stock" the word "debentures"; Sec. 4B.
- (4) (a) by omitting from section five the words "the Board shall" and inserting in lieu thereof the words "The Minister may"; Sec. 5.
 (b) by omitting from the same section the words "so purchased, resumed, or appropriated" and inserting in lieu thereof the words "vested in or acquired by him";
 (c) by inserting in the same section after the word "reserves" the words "for public recreation or for other public purposes";
 (d) by omitting from the same section the words "and shall submit the same, and any alterations in it, to the Minister for his approval";
- 20 (5) (a) by omitting from section six the words "the Board, in pursuance of any such plan which has been approved by the Minister," and inserting in lieu thereof the words "the Minister"; Sec. 6.
 (b) by inserting in paragraph (a) of the same section after the word "on" the words "or in relation to";
 (c) by inserting in paragraph (b) of the same section after the word "dedicate" the words "by notification in the Gazette any"; and by adding at the end of the same paragraph the words "by notification in the Gazette vest such reserves in a municipal or shire council, or in trustees.
 Where a reserve is so vested in trustees other than a council, the provisions of the Public Parks Act, 1912, shall be deemed to extend to the reserve";
- 30 (d) by inserting in section six the following additional paragraphs:—
 (d) provide plots in any road for the ornamentation of the land subdivided and plant and maintain the same;
 (e) apply moneys out of the Housing Fund for any purpose authorised by this section and also towards prizes for annual garden competitions for tenants or purchasers in respect of the land leased or purchased by them.
- 45
 50 B (6)

Housing (Amendment).

- (6) by omitting section seven and inserting the following section **Sec. 7.**
in lieu thereof:—
7. The Minister may erect on any such land buildings for **Erection of**
residential, business, or other purposes, or for public use, and **buildings by**
shall be charged with the duty of maintaining and repairing **Minister.**
- 5 them, and insuring them against loss by fire ;
- (7) (a) by omitting from section eleven the words "on the recom- **Sec. 11.**
mendation of the board" ;
- (b) by omitting from the same section the words "purchased,
10 resumed, or appropriated" and inserting in lieu thereof
the words "vested in or acquired by him" ;
- (c) by omitting from the same section the word "board"
where secondly occurring and inserting the word
"Minister" in lieu thereof ;
- 15 (d) by omitting from the same section the words "if the
board so recommends" and inserting in lieu thereof the
words "unless the Governor otherwise directs" ;
- (8) (a) by omitting from section twelve the words "the board or **Sec. 12.**
the Minister on the recommendation of the board" and
20 inserting in lieu thereof the words "(1) The Minister" ;
- (b) by inserting in the same section after the word "leased"
the word "dedicated" ;
- (c) by omitting from the same section the word "board"
where thirdly occurring and inserting in lieu thereof the
word "Minister" ;
- 25 (9) by omitting from section fourteen the word "Minister" **Sec. 14.**
wherever occurring and by inserting in lieu thereof the words
"Colonial Treasurer" ; and by omitting the word "board"
and inserting in lieu thereof the word "Minister" ;
- 30 (10) (a) by omitting from section seventeen the word "board" **Sec. 17.**
wherever occurring and inserting in lieu thereof the word
"Minister" ;
- (b) by omitting from the third paragraph of the same section
35 the words "as the Minister may direct" and inserting in
lieu thereof the words "as the Colonial Treasurer may
direct" ;
- (11) (a) by omitting from section nineteen the words "The fees of **Sec. 19.**
the board and" ;
- (b) by omitting from the same section the word "board"
40 where secondly and thirdly occurring and inserting in lieu
thereof the word "Minister" ;
- (12) (a) by omitting from section twenty and from the short **Sec. 20.**
heading thereto the word "board" wherever occurring and
inserting in lieu thereof the word "Minister" ;
- 45 (b) by omitting from the same section the word "it" and
inserting in lieu thereof the word "him" ;
- (13) (a) by omitting from section twenty-one the words "the board **Sec. 21.**
shall as soon as practicable after the close of each financial
year prepare and forward to the Minister" and inserting
50 in lieu thereof the words "as soon as practicable after the
close of each financial year the Minister shall prepare" ;
(b)

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- (b) by omitting from paragraph (d) of the same section the word "board" and inserting in lieu thereof the word "Minister";
- 5 (c) by omitting from paragraph (e) of the same section the words "the fees of the board and";
- (d) by omitting from paragraph (f) of the same section the words "board's work" and inserting in lieu thereof the words "operations under this Act";
- 10 (e) by omitting from the same section the words "within six weeks from the expiration of the financial year" and by inserting in lieu thereof the words "as soon as practicable";
- (14) by omitting from section twenty-two the words "shall appoint a manager who shall be the executive officer of the board and such other" and inserting in lieu thereof the words "may appoint such"; Sec. 22.
- 15 (15) (a) by omitting from subsection one of section twenty-six the words "on the recommendation of the board"; Sec. 26.
- (b) by omitting from subsections three and four of the same section the word "board" wherever occurring, and inserting in lieu thereof the word "Minister";
- 20 (16) (a) by omitting from section twenty-eight the word "board" wherever occurring and inserting in lieu thereof the word "Minister"; Sec. 28.
- (b) by omitting from the same section the words "in its opinion";
- 25 (17) (a) by omitting from section thirty, the word "board" and inserting in lieu thereof the word "Minister"; Sec. 30.
- (b) by omitting the words "thirty" and "twenty" and inserting in lieu thereof respectively the words "forty" and "twenty-five";
- 30 (18) by omitting from section thirty-two the words "the board" and inserting in lieu thereof the words "(1) The Minister"; Sec. 32.
- (19) (a) by omitting from the first paragraph of section thirty-four the words "board may at its option" and inserting in lieu thereof the words "Minister may"; Sec. 34.
- 35 (b) by omitting from the second paragraph of the same section the word "board" where firstly and secondly occurring, and inserting in lieu thereof the word "Minister"; and by omitting from the same paragraph the words "the statutory declaration of one of the members of the board" and inserting in lieu thereof the words "statutory declaration";
- 40 (c) by omitting from the third paragraph of the same section the word "board" wherever occurring and inserting in lieu thereof the word "Minister";
- 45 (20) by omitting from sections nine, sixteen, eighteen, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-nine, thirty-one, thirty-three, thirty-five, thirty-six, and thirty-seven, the words "board" or "Housing Board" wherever occurring therein and inserting in lieu thereof the word "Minister." Secs. 9, 16, 18, 23, 24, 25, 27, 29, 31, 33, 35, 36, and 37.
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