

HOUSING (FURTHER PROVISIONS) BILL.

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*Schedule of the Amendments referred to in Message of 15th December, 1937.*

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No. 1.—Page 9, clause 3, line 39. Omit “a” insert “any”

No. 2.—Page 10, clause 4. After line 40 insert—

(iv) by omitting from the same subsection after the word “order” the word “may” and by inserting in lieu thereof the word “shall”

No. 3.—Page 11, clause 4. After line 12 insert new subparagraph as follows:—

(iii) by omitting from subsection one of section sixty-three the word “section” and by inserting in lieu thereof the words “sections fifty-eight or”

No. 4.—Page 13, clause 6, line 23. Omit “(6)” insert “(7)”

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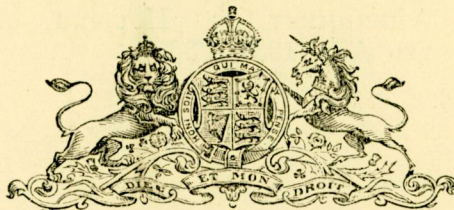
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 10 December, 1937, A.M.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

C. H. H. CALVERT,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 15th December, 1937.*

## **New South Wales.**



ANNO SECUNDO

## **GEORGII VI REGIS.**

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**Act No. , 1937.**

An Act to make further provisions in relation to housing; to validate certain matters; to amend the Housing Improvement Act, 1936, the Government Guarantees Act, 1934, the Co-operation Act, 1923-1936, the Housing of the Unemployed Act, 1934-1936, and certain other Acts in certain respects; and for purposes connected therewith.

**B**E 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:—

### **PART I.**

#### **PRELIMINARY.**

**1.** (1) This Act may be cited as the "Housing Short title.  
(Further Provisions) Act, 1937."

61047 126—A

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Housing (Further Provisions).*

(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

5 PART III.—AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

PART IV.—AMENDMENT OF CO-OPERATION ACT, 1923-1936.

10 PART V.—AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT, 1934-1936.

SCHEDULE.

PART II.

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

15 2. The Housing Improvement Act, 1936, as amended by this Act, may be cited as the Housing Improvement Act, 1936-1937. Citation.

20 3. (1) The Housing Improvement Act, 1936, is amended by inserting next after Part V the following new Parts:— Amendment of Act No. 59, 1936.  
New Parts VA and VB.

PART VA.

ERSKINEVILLE HOUSING SCHEME.

DIVISION 1.—*Construction of certain works.*

25 14A. (1) (a) The carrying out on the land described in the First Schedule to this Act of the work referred to in the Second Schedule to this Act is hereby sanctioned. Certain work sanctioned.

30 (b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c)



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*Housing (Further Provisions).*

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5 (c) The Housing Improvement Board is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act as so amended and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

10 (d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

15 (2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contract referred to in paragraph (c) of subsection one of this section.

20 14B. (1) The cost of carrying out so much of the said work as is referred to in Part One of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifty-four thousand pounds. Cost.

25 (2) The cost of carrying out so much of the said work as is referred to in Part Two of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifteen thousand pounds.

30 (3) The cost of carrying out so much of the said work as is referred to in Part Three of the Second Schedule to this Act (exclusive of land resumptions) is estimated at five hundred pounds.

(4) The respective estimated costs referred to in this section shall not under any circumstances be exceeded by more than ten per centum.

35 DIVISION 2.—*Care, control and management of certain works.*

14C. The board shall have the care, control and management of so much of the work referred to in the Care, control and management.



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*Housing (Further Provisions).*

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the Second Schedule to this Act as consists of dwellings and ancillary buildings and works constructed on the portion of land referred to in Part One of that Schedule.

5       14d. (1) For the purposes of carrying this Division into effect the board may, from time to time and notwithstanding anything contained in any other Act, take such steps, provide such equipment, and carry out such works and operations  
10       (including works of maintenance and repair) as may be necessary or as it may think desirable.

Powers  
of the  
board.

15       (2) Without prejudice to the generality of subsection one of this section the board may let or may, with the approval of the Governor, sell or otherwise dispose of the land or any part thereof upon which any of the works referred to in section 14c of this Act are constructed.

20       Any such letting may be made at such rent (whether the same is the best rent that can reasonably be obtained or not) and for such term and subject to such covenants and conditions as the board, in its absolute discretion, may from time to time determine.

25       14e. (1) Upon completion of the works referred to in Part Two of the Second Schedule to this Act, the Governor shall notify in the Gazette that such works are complete. Park lands.

(2) On the date of the publication in the Gazette of any such notification—

- 30       (a) the land upon which the works referred to in the notification have been carried out shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and
- 35       (b) such land shall be deemed to be dedicated under the said Act as so amended for the purposes of public recreation; and
- 40       (c) the board shall have the care, control and management of such land and shall continue to have such care, control and management until



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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sittings days after such regulations have been



*Housing (Further Provisions).*

been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

5 14F. Where land is acquired by the board pursuant to this Part of this Act, no rate shall be made or levied under the Local Government Act, 1919, as amended by subsequent Acts, in respect of the land so acquired. Exemption from rates.

10 14G. On and from the day upon which that portion of the land described in the First Schedule to this Act which is referred to in Part Three of the Second Schedule to this Act is acquired by the board the following provisions shall have effect:— Rights, liabilities and property.

15 (a) The body corporate known as The Trustees of Erskineville Park shall be and the same is hereby dissolved, and the persons who, immediately before the said day, were the members of such body corporate shall cease to hold office as such.

20 (b) All property (other than the land so acquired) and all right and interest therein which, immediately before the said day, is vested in or belongs to The Trustees of Erskineville Park, shall vest in and belong to the board.

25 (c) All moneys, liquidated and unliquidated claims which, immediately before the said day, are payable to or recoverable by The Trustees of Erskineville Park, shall be moneys, liquidated and unliquidated claims payable to and recoverable by the board.

30 (d) All suits, actions and proceedings pending immediately before the said day at the suit of The Trustees of Erskineville Park, shall be suits, actions and proceedings pending at the suit of the board.

35 (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions



*Housing (Further Provisions).*

actions and proceedings as The Trustees of Erskineville Park might have done but for this Act.

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- (f) The board may enforce and realise any security or charge existing immediately before the said day in favour of The Trustees of Erskineville Park in respect of any such moneys and claims as if such security or charge were existing in favour of the board.

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- (g) All debts due and moneys payable by and all claims, liquidated and unliquidated, recoverable against The Trustees of Erskineville Park shall be debts due and moneys payable by and claims recoverable against the board:

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Provided that the liability of the board in respect of such debts, moneys and claims shall be limited to the amount of the assets of The Trustees of Erskineville Park which are vested in or recovered by the board under this section.

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PART V.B.

FINANCE.

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14H. (1) There shall be constituted an account in Special Deposits Account to be called the "Housing Improvement Account."

Housing  
Improve-  
ment  
Account.

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(2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

14I. (1) There shall be paid to the credit of the account—

Assets of  
account.

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- (a) all moneys advanced to the board by the Colonial Treasurer or provided by Parliament for the purposes of the board;
- (b) all moneys received by the board from any other source.



*Housing (Further Provisions).*

(2) The account may be applied to any of the following purposes:— Application of account.

- (a) the administrative expenses of the board;
- (b) the costs and expenses incurred in carrying out any of the powers, authorities, duties and functions conferred and imposed on the board by or under this Act;
- (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

14j. The board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the board. Accounts.

14k. The accounts of the board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the board, the members of the board and the officers and employees of the board in the same manner as it applies to accounting officers of public departments. Audit.

(2) The Housing Improvement Act, 1936, is further amended by inserting after section sixteen the following new Schedules:— Further amendment of Act No. 59, 1936.  
New Schedules.

FIRST SCHEDULE.

All that piece or parcel of land known as Erskineville Park, parishes of Alexandria and Petersham, county of Cumberland, bounded by Mitchell-road, Ashmore-street, Binning-street, Swanson-street and Copeland-street.

SECOND



*Housing (Further Provisions).*

SECOND SCHEDULE.

The works respectively referred to in Part One, Part Two and Part Three of this Schedule are subject to such modifications as may be considered desirable by the Board.

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PART ONE.

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The construction upon the north-western portion (comprising approximately four acres) of the land described in the First Schedule to this Act, of fifty-six dwellings (including the provision of equipment therefor) and of ancillary buildings and works.

PART TWO.

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The construction upon the eastern portion (comprising approximately eleven and one-half acres) of the land described in the First Schedule to this Act, of such works (including the provision of a sports ground) as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

PART THREE.

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The construction upon that portion (comprising approximately seven acres) of the land described in the First Schedule to this Act which is not comprised in the portions referred to in Part One and Part Two of this Schedule of such works as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

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(3) The Housing Improvement Act, 1936, is further amended—

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(a) by inserting in section two next after the matter relating to Part V the following words and symbols:—

Further  
amendment  
of Act No.  
59, 1936.  
Sec. 2.  
(Division  
into Parts.)

PART VA—ERSKINEVILLE HOUSING SCHEME.

PART VB—FINANCE.

(b) by inserting at the end of the same section the word—

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“SCHEDULES.”

(4) The Housing Improvement Act, 1936, is further amended—

(a) by omitting from paragraph (a) of subsection six of section five the words “to a any member”;

Further  
amendment  
of Act No.  
59, 1936.  
Sec. 5.  
(Powers  
of board.)

(b)



*Housing (Further Provisions).*

- (b) by inserting at the end of the same paragraph the words—
- (i) to a member; or
  - (ii) to the secretary or any other officer appointed under subsection one of section eight of this Act; or
  - (iii) to any officer, servant or employee of whose services the board makes use pursuant to subsection four of section eight of this Act.
- (c) by omitting from paragraph (b) of the same subsection the words "A member" and by inserting in lieu thereof the words "Any person."
4. (1) The Public Health Act, 1902-1932, is amended—
- (a) (i) by omitting from subsection one of section fifty-eight the words "that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may" and by inserting in lieu thereof the words "or to the Board that any house or other building within the area of the local authority is unfit or unsafe for human habitation or occupation or has become ruinous and dangerous (that is to say ruinous to such an extent that the continuance of such house or building is dangerous to the public or to the inhabitants of the neighbouring dwelling-houses) such local authority or the Board shall";
- (ii) by inserting in the same subsection after the words "is not fit for human habitation or occupation" the words "or is in a ruinous and dangerous condition";
- (iii) by inserting in the same subsection after the words "so as to render it fit for human habitation or occupation" the words "or eliminate the ruinous and dangerous condition (as the case may be)";
- (iv) by omitting from the same subsection after the word "order" the word "may" and by inserting in lieu thereof the word "shall";
- (b)

Amendment  
of Act No.  
30, 1902.  
Sec. 58.  
(Closing  
orders.)



*Housing (Further Provisions).*

- (b) (i) by inserting in subsection one of section sixty-one after the word "dwelling-houses" the words "or (as the case may be) that the ruinous and dangerous condition has not been eliminated and that the necessary steps are not being taken to eliminate such condition";
- (ii) by inserting in subsection three of the same section after the word "occupation" the words "or (as the case may be) the works necessary to eliminate the ruinous and dangerous condition of the house or building";
- (iii) by omitting from subsection one of section sixty-three the word "section" and by inserting in lieu thereof the words "sections fifty-eight or".
- (2) The Public Health Act, 1902-1932, as amended by this Act, may be cited as the Public Health Act, 1902-1937.

Sec. 61.  
(Demolition  
orders.)

Citation.

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PART III.

AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

5. The Government Guarantees Act, 1934, as amended by this Act, may be cited as the Government Guarantees Act, 1934-1937.

Citation.

6. (1) The Government Guarantees Act, 1934, is amended—

Amendment  
of Act No.  
57, 1934.

- (a) (i) by inserting in subsection two of section three after the word "bank" where firstly occurring the words "or of any society registered under the Friendly Societies Act, 1912-1935 (in this Act referred to as 'friendly society') or of any other body of persons, corporate or unincorporate, approved by the Minister (in this Act referred to as 'approved body')";
- (ii) by omitting from the same subsection the words "to be made by the bank—" and by inserting

Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)



*Housing (Further Provisions).*

inserting in lieu thereof the words "made or to be made by the bank, friendly society or approved body, as the case may be,—"

(iii) by inserting at the end of the same section the following new subsection:—

(6) Any guarantee executed by the Colonial Treasurer under this Act may be made by way of increase of the amount of the Colonial Treasurer's liability as stated in a previous guarantee given under this Act, and may be made upon such terms and conditions as are prescribed or as the Colonial Treasurer may determine.

The enactment of this subsection shall not affect subsections one, two and three of this section.

(b) (i) by inserting in section four after the word "bank" wherever occurring the words "friendly society or approved body as the case may be";

Sec. 4.  
(Provisions relating to guarantees.)

(ii) by inserting in paragraph (d) of the same section after the word "hold" the words "or retain and hold";

(iii) by inserting in paragraph (e) of the same section after the words "marketing board or a society" the words "(other than a building society)";

(iv) by inserting at the end of the same paragraph the words "or where the principal debtor is a building society within the meaning of the said Act unless the bank, friendly society or approved body, as the case may be, shall, under the provisions of the securities executed by the building society in favour of the bank, friendly society or approved body as the case may be, or of any of such securities, have become entitled to appoint a receiver of the undertaking and assets of the building society."



*Housing (Further Provisions).*

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four, and shall apply to all guarantees executed on or after that date notwithstanding anything therein contained.

(3) The Government Guarantees Act, 1934, is further amended—

10 (a) by omitting from subsection two of section three the figures "1923-1932" and by inserting in lieu thereof the following figures and new proviso:—

Further amendment of Act No. 57, 1934. Sec. 3. (Authority to Treasurer to give guarantees.)

"1923-1937:

15 Provided that where any such guarantee is for the repayment of any advance made to a building society within the meaning of the Co-operation Act, 1923-1937, it shall not be executed except upon the recommendation of the Co-operative Building Advisory Committee constituted under that Act;"

(b) by inserting at the end of the same section the following new subsection:—

25 ~~(6)~~ (7) The approval of the Governor to the execution of any guarantee under this section shall be conclusive evidence that the guarantee has not been entered into in contravention of this section.

30 7. (1) The action of the Governor and Executive Council in authorising the giving and of the Colonial Treasurer in giving the guarantees set out in the Schedule to this Act is hereby validated. Validation.

(2) No guarantee so given shall be held to be void merely on the ground that the person by whom such guarantee was so given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

(3)



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*Housing (Further Provisions).*

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(3) The Government Guarantees Act, 1934, is further amended— Further amendment of Act No. 57, 1934.

- 5 (a) by inserting in section three after the words "validated by this Act" wherever occurring the words "or by the Housing (Further Provisions) Act, 1937"; Sec. 3. (Authority to Treasurer to give guarantees.)
- (b) by inserting in section four after the words "validated by this Act" the words "or by the Housing (Further Provisions) Act, 1937"; Sec. 4. (Provisions relating to guarantees.)
- 10 (c) by inserting in section five after the words "by this Act" the words "or validated by the Housing (Further Provisions) Act, 1937." Sec. 5. (Contingent appropriation.)

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PART IV.

## AMENDMENT OF CO-OPERATION ACT, 1923-1936.

15 8. The Co-operation Act, 1923-1936, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1937. Citation.

9. The Co-operation Act, 1923-1936, as amended by subsequent Acts, is amended— Amendment of Act No. 1, 1924.

- 20 (a) by omitting paragraph (c) of subsection one of section 17A and by inserting in lieu thereof the following paragraph:— Sec. 17A. (Under-takings by Treasurer.)

25 (c) the amount proposed to be lent reduced by the value of the share capital of the member or by the sum of one hundred pounds whichever is the smaller sum does not exceed nine hundred pounds; and

- (b) by inserting at the end of the same subsection the following words and new subsection:—

30 The instrument evidencing any agreement entered into under this section may be signed by the Colonial Treasurer or for and on behalf of the Colonial Treasurer by any other Minister of the Crown.

(1A)



*Housing (Further Provisions).*

5 (1A) The value of the share capital of a member of any society shall, for the purposes of this section, be calculated in such manner as the Co-operative Building Advisory Committee constituted under this Act may direct.

Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect.

10 (c) by inserting in subsection two of the same section after the words "the Governor to" the words "enter into";

(d) by inserting in subsection four of the same section after the words "the Governor to" the words "enter into";

15 (e) by omitting from the same subsection the word "subsection" and by inserting in lieu thereof the word "section".

20 **10.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 1, 1924.

(a) by omitting from paragraph (d) of subsection one of section 17A the words "paid up value of the members share capital" and by inserting in lieu thereof the words "value of the share capital of the member";

Sec. 17A.  
(Under-takings by Treasurer.)

25 (b) by omitting from the same subsection the words "paid up value of the member's share capital is in excess of" and by inserting in lieu thereof the words "value of the share capital of the member exceeded";

30 (c) by inserting at the end of the same subsection the following new paragraph:—

35 Any such agreement shall operate and have effect until the registrar certifies to the Governor that the amount owing to the society by the member in respect of the loan to which the agreement relates, reduced by the value of the share capital of the member is not more than



*Housing (Further Provisions).*

than sixty-six and two-thirds per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (d) of this subsection.

- 5 (2) The amendments made by subsection one of this section shall be deemed to have commenced upon the second day of February, one thousand nine hundred and thirty-seven, and shall apply to all agreements entered into on or after that date notwithstanding anything  
10 therein contained; and the obligations of the Colonial Treasurer under any such agreement shall be varied accordingly; but no such variation shall operate to increase the limit of the amount of the Colonial Treasurer's liability as stated in the agreement.

- 15 **11.** The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended— Further amendment of Act No. 1, 1924.

(a) by inserting next after section eighty-four the following new section:— New sec. 84A.

- 20 **84A.** (1) This section shall apply to and in respect of—

- (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the  
25 Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and Power to appoint director of certain societies.
- 30 (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under  
35 section 17A of this Act, whether as originally enacted or as amended from time to time.

(2)



*Housing (Further Provisions).*

(2) The Governor may, from time to time, by notification published in the Gazette, appoint a person to be a director of any building society to which this section applies.

5 (3) The provisions of this Act (other than this section) and of the rules of the building society relating to the qualification, disqualification, remuneration, removal from office and  
10 of office by directors shall not apply to and in respect of a director appointed under this section.

(4) A director appointed under this section shall hold office as an additional director and shall not be counted in ascertaining the number  
15 of directors for the election of whom provision is made in the rules of the society.

(5) Subject to subsection three of this section a director appointed under this section shall have all the powers, rights, authorities, functions, privileges, immunities, duties, obligations and liabilities of a director elected in accordance with the rules of the society.

(6) A director appointed under this section shall, unless he is an officer of the Public Service or a member of the Legislative Council or of the Legislative Assembly of New South Wales, be paid such fees as may be prescribed by regulation.

30 (b) by inserting next after section eighty-eight the following new sections:—

New secs.  
88A, 88B.

88A. A director or other officer of a building society shall not, except where specifically authorised by a special resolution of the society—

Certain  
dealings  
prohibited.

35 (a) sell any land to or act as agent for the sale of any land to a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or

(b)



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*Housing (Further Provisions).*

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5 (b) undertake the erection of any building for a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or

10 (c) accept as payment in whole or in part of any moneys due to him by a member of the society the whole or part of any advance made by the society to such member.

88B. (1) This section shall apply to and in respect of—

15 (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and

20 (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.

30 (2) The Minister may appoint a person to hold an inquiry and to report to the co-operative building advisory committee with respect to—

35 (a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a building society to which this section applies; or

(b)

Power to dismiss director or secretary of certain societies after inquiry.



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*Housing (Further Provisions).*

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5 (b) any act or omission of any director or  
secretary of a building society to which  
this section applies—such act or omis-  
sion having relation to the carrying out  
of the provisions of this or any other  
Act conferring powers or imposing  
duties on the building society or to the  
office or position held by the director  
or secretary or to the powers or duties  
10 of that office or position.

(3) For the purposes of any such in-  
quiry the person holding the inquiry shall have  
the powers, authorities, protections and immu-  
nities conferred on a commissioner by Division  
15 1 of Part II of the Royal Commissions Acts,  
1923-1934, and shall be deemed to be a sole com-  
missioner within the meaning of that Division.

The provisions of the Royal Commissions  
Acts, 1923-1934, with the exception of section  
20 thirteen and of Division 2 of Part II, shall,  
mutatis mutandis, apply to the inquiry and to  
any witness or person summoned by or appear-  
ing before the person holding the inquiry.

(4) The co-operative building advisory  
25 committee may, after consideration of the re-  
port of the person holding an inquiry under this  
section, direct that the office or position in a  
building society of the director or secretary to  
whom the report relates shall be vacated, and  
30 that such director shall not be eligible to hold  
office as a director of or (as the case may re-  
quire) that such secretary shall not be eligible  
for appointment or employment as the secretary  
of that building society.

35 The office or position shall be deemed to have  
become vacant as from the date upon which  
notices, addressed to the director or secretary  
to whom the same relates and to the society of  
which he is a director or the secretary, as the

case



*Housing (Further Provisions).*

case may be, and signed by the chairman and executive member of the Co-operative Building Advisory Committee, of the direction of that committee, are delivered at or posted to the registered office of the building society.

(5) Every director or secretary of a building society to which this section applies shall, whether he was elected or appointed to such office or position before, or is so elected or appointed after, the commencement of the Housing (Further Provisions) Act, 1937, hold his office or position subject to the provisions of this section.

**12.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended— Further amendment of Act No. 1, 1924.

(a) by inserting at the end of subsection ten of section forty-seven the following proviso:— Sec. 47. (Shares.)

Provided that where a society has made a loan to a member and the number of shares held by such member has exceeded, or at any time exceeds, the number permitted by or under this subsection, such member shall, until the amount lent to him has been repaid to the society with interest thereon, be liable to make to the society the payments which he would be liable to make if all such shares were lawfully held by him and no security for the repayment of such loan taken by the society shall be affected by any contravention of this subsection.

(b) (i) by omitting subsection one of section sixty-five and by inserting in lieu thereof the following subsection:— Sec. 65. (Borrowing powers.)

(1) (a) Where a society is authorised by its rules to raise money on loan the society may raise the money in such manner as the society may think fit, and in particular by legal or equitable mortgage charged upon the undertaking of the society or upon all

or



*Housing (Further Provisions).*

or any part of the property and rights (both present and future) of the society, including its uncalled or unpaid capital, subscriptions, loan payments and other moneys, or by the issue of bonds.

(b) A society shall not be deemed to be authorised to receive money on deposit unless, by its rules, it is expressly authorised to receive money on deposit.

(ii) by inserting in subsection two of the same section after the word "financial" the word "or";

(c) (i) by inserting in subsection three of section sixty-six after the word "bank" the words "or any society registered under the Friendly Societies Act, 1912-1935";

(ii) by omitting from subsection (7A) of the same section the words "during such period" and by inserting in lieu thereof the words "or if all deposits received have been repaid at the time of the loan";

(iii) by inserting at the end of subsection (7B) of the same section the following paragraph:—

For the purposes of this subsection a bond shall not include any instrument which makes any property liable, whether specifically or otherwise, to any bank or any society registered under the Friendly Societies Act, 1912-1935, or any financial or trading corporation, or liable specifically to any other person as security for money raised on loan or received on deposit.

(iv) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

(12) No member or other person lending money to or depositing money with a society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that such society, in borrowing



*Housing (Further Provisions).*

borrowing such money or receiving such deposit, has contravened the provisions of this or any other section of this Act or the rules of the society.

- 5 (d) by inserting at the end of section eighty the following new subsection:—

Sec. 80.  
(Special  
resolution.)

- 10 (4) A certificate of registration of any special resolution or of any alteration of the rules of a society given by the registrar shall, in favour of any person advancing money to the society on the faith of such certificate, or in favour of any guarantor of any such advance, be conclusive evidence that such resolution was duly passed or such alteration in the rules was duly made as the case may be.

- 15 (e) (i) by inserting in section one hundred and thirteen after the words "of this Act" where firstly occurring the words "or any rule of the society";

Sec. 113.  
(Civil  
remedies.)

- 20 (ii) by inserting in the same section after the words "of this Act" where secondly occurring the words "or of the rules of the society."

- 25 (2) Subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four.

## PART V.

AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT,  
1934-1936.

- 30 13. This Part of this Act shall be deemed to have commenced on the twenty-ninth day of June, one thousand nine hundred and thirty-four.

Commence-  
ment of  
Part V.



**14.** (1) The Housing of the Unemployed Act, 1934- Amendment  
1936, is amended— of Act No.  
4, 1934.

Amendment  
of Act No.  
4, 1934.

### Delegation.

- 15

20 (3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the trust or the chairman as the case may be.

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- Sec. 8.  
(Powers of  
trust.)

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*Housing (Further Provisions).*

person in necessitous circumstances in connection with the erection, improvement or repair of any building used or intended to be used as a home for such person and his family.

- 5 (c) by inserting at the end of section nine the following new subsection:—

Sec. 9.  
(Further powers of trust.)

(4) The trust may, from time to time, upon such conditions as may be determined by it, effect such improvements or repairs as it may deem necessary to—

10

(a) any building on land which is vested in or leased by the trust; or

(b) any building on land which has been let, leased or sold by the trust under this section; or

15

(c) any building which has been erected, repaired or improved with materials supplied by the trust or purchased with moneys advanced by the trust under and in accordance with this Act.

20

(2) The Housing of the Unemployed Act, 1934-1936, as amended by this Act, may be cited as the Housing of the Unemployed Act, 1934-1937.

## SCHEDULE.

Sec. 7.

25	Date.	Debtor.	Creditor.	Amount guaranteed.
	16th Dec., 1936	The Organising Council of the Australian British Empire Games Association.	Commonwealth Bank of Australia, Sydney.	£ 10,000
30	29th Sep., 1937	Port Kembla Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	63,000
35	29th Sep., 1937	Port Kembla Brick Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	34,000

Sydney: David Harold Paisley, Government Printer—1937.



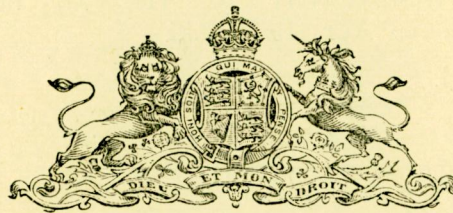
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 10 December, 1937, A.M.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Clerk of the Parliaments.*  
Legislative Council Chamber,  
Sydney, December, 1937.

## New South Wales.



ANNO SECUNDO

## GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1937.

An Act to make further provisions in relation to housing; to validate certain matters; to amend the Housing Improvement Act, 1936, the Government Guarantees Act, 1934, the Co-operation Act, 1923-1936, the Housing of the Unemployed Act, 1934-1936, and certain other Acts in certain respects; and for purposes connected therewith.

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:—

### PART I.

#### PRELIMINARY.

1. (1) This Act may be cited as the "Housing Short title. (Further Provisions) Act, 1937."

61047 126—A

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Housing (Further Provisions).*

(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF HOUSING IMPROVEMENT  
ACT, 1936, AND CERTAIN OTHER ACTS.

5 PART III.—AMENDMENT OF GOVERNMENT GUARAN-  
TEES ACT, 1934.

PART IV.—AMENDMENT OF CO-OPERATION ACT, 1923-  
1936.

10 PART V.—AMENDMENT OF HOUSING OF THE  
UNEMPLOYED ACT, 1934-1936.

SCHEDULE.

PART II.

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND  
CERTAIN OTHER ACTS.

15 2. The Housing Improvement Act, 1936, as amended Citation.  
by this Act, may be cited as the Housing Improvement  
Act, 1936-1937.

20 3. (1) The Housing Improvement Act, 1936, is Amendment of  
amended by inserting next after Part V the following Act No. 59,  
1936.  
New Parts  
Va and Vb.

PART VA.

ERSKINEVILLE HOUSING SCHEME.

DIVISION 1.—*Construction of certain works.*

25 14A. (1) (a) The carrying out on the land Certain work  
described in the First Schedule to this Act of the sanctioned.  
work referred to in the Second Schedule to this Act  
is hereby sanctioned.

30 (b) The said work shall be deemed to  
be an authorised work within the meaning of the  
Public Works Act, 1912, as amended by subsequent  
Acts.

(c)



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*Housing (Further Provisions).*

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(c) The Housing Improvement Board is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act as so amended and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contract referred to in paragraph (c) of subsection one of this section.

14B. (1) The cost of carrying out so much of the said work as is referred to in Part One of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifty-four thousand pounds.

(2) The cost of carrying out so much of the said work as is referred to in Part Two of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifteen thousand pounds.

(3) The cost of carrying out so much of the said work as is referred to in Part Three of the Second Schedule to this Act (exclusive of land resumptions) is estimated at five hundred pounds.

(4) The respective estimated costs referred to in this section shall not under any circumstances be exceeded by more than ten per centum.

DIVISION 2.—*Care, control and management of certain works.*

14c. The board shall have the care, control and management of so much of the work referred to in the

Care, control and management.



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*Housing (Further Provisions).*

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the Second Schedule to this Act as consists of dwellings and ancillary buildings and works constructed on the portion of land referred to in Part One of that Schedule.

5       14D. (1) For the purposes of carrying this Division into effect the board may, from time to time and notwithstanding anything contained in any other Act, take such steps, provide such equipment, and carry out such works and operations  
10       (including works of maintenance and repair) as may be necessary or as it may think desirable.

Powers  
of the  
board.

15       (2) Without prejudice to the generality of subsection one of this section the board may let or may, with the approval of the Governor, sell or otherwise dispose of the land or any part thereof upon which any of the works referred to in section 14C of this Act are constructed.

20       Any such letting may be made at such rent (whether the same is the best rent that can reasonably be obtained or not) and for such term and subject to such covenants and conditions as the board, in its absolute discretion, may from time to time determine.

25       14E. (1) Upon completion of the works referred to in Part Two of the Second Schedule to this Act, the Governor shall notify in the Gazette that such works are complete.

Park lands.

(2) On the date of the publication in the Gazette of any such notification—

- 30       (a) the land upon which the works referred to in the notification have been carried out shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and
- 35       (b) such land shall be deemed to be dedicated under the said Act as so amended for the purposes of public recreation; and
- 40       (c) the board shall have the care, control and management of such land and shall continue to have such care, control and management until



*Housing (Further Provisions).*

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(3) Where the board has the care, control and management of any land pursuant to this section—

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*Housing (Further Provisions).*

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been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

5        14F. Where land is acquired by the board pursuant to this Part of this Act, no rate shall be made or levied under the Local Government Act, 1919, as amended by subsequent Acts, in respect of the land so acquired. Exemption  
from rates.

10       14G. On and from the day upon which that portion of the land described in the First Schedule to this Act which is referred to in Part Three of the Second Schedule to this Act is acquired by the board the following provisions shall have effect:— Rights,  
liabilities  
and  
property.

15       (a) The body corporate known as The Trustees of Erskineville Park shall be and the same is hereby dissolved, and the persons who, immediately before the said day, were the members of such body corporate shall cease to hold office as such.

20       (b) All property (other than the land so acquired) and all right and interest therein which, immediately before the said day, is vested in or belongs to The Trustees of Erskineville Park, shall vest in and belong to the board.

25       (c) All moneys, liquidated and unliquidated claims which, immediately before the said day, are payable to or recoverable by The Trustees of Erskineville Park, shall be moneys, liquidated and unliquidated claims payable to and recoverable by the board.

30       (d) All suits, actions and proceedings pending immediately before the said day at the suit of The Trustees of Erskineville Park, shall be suits, actions and proceedings pending at the suit of the board.

35       (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions



*Housing (Further Provisions).*

actions and proceedings as The Trustees of Erskineville Park might have done but for this Act.

5 (f) The board may enforce and realise any security or charge existing immediately before the said day in favour of The Trustees of Erskineville Park in respect of any such moneys and claims as if such security or charge were existing in favour of the board.

10 (g) All debts due and moneys payable by and all claims, liquidated and unliquidated, recoverable against The Trustees of Erskineville Park shall be debts due and moneys payable by and claims recoverable against the board:

20 Provided that the liability of the board in respect of such debts, moneys and claims shall be limited to the amount of the assets of The Trustees of Erskineville Park which are vested in or recovered by the board under this section.

PART VB.

FINANCE.

25 14H. (1) There shall be constituted an account in Special Deposits Account to be called the "Housing Improvement Account." Housing Improvement Account.

30 (2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

14I. (1) There shall be paid to the credit of the account— Assets of account.

- 35 (a) all moneys advanced to the board by the Colonial Treasurer or provided by Parliament for the purposes of the board;
- (b) all moneys received by the board from any other source.



*Housing (Further Provisions).*

(2) The account may be applied to any of the following purposes:— Application of account.

- (a) the administrative expenses of the board;
- (b) the costs and expenses incurred in carrying out any of the powers, authorities, duties and functions conferred and imposed on the board by or under this Act;
- (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

14J. The board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the board. Accounts.

14K. The accounts of the board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the board, the members of the board and the officers and employees of the board in the same manner as it applies to accounting officers of public departments. Audit.

(2) The Housing Improvement Act, 1936, is further amended by inserting after section sixteen the following new Schedules:— Further amendment of Act No. 59, 1936.  
New Schedules.

FIRST SCHEDULE.

All that piece or parcel of land known as Erskineville Park, parishes of Alexandria and Petersham, county of Cumberland, bounded by Mitchell-road, Ashmore-street, Binning-street, Swanson-street and Copeland-street.

SECOND



*Housing (Further Provisions).*

SECOND SCHEDULE.

The works respectively referred to in Part One, Part Two and Part Three of this Schedule are subject to such modifications as may be considered desirable by the Board.

5

PART ONE.

The construction upon the north-western portion (comprising approximately four acres) of the land described in the First Schedule to this Act, of fifty-six dwellings (including the provision of equipment therefor) and of ancillary buildings and works.

10

PART TWO.

The construction upon the eastern portion (comprising approximately eleven and one-half acres) of the land described in the First Schedule to this Act, of such works (including the provision of a sports ground) as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

15

PART THREE.

The construction upon that portion (comprising approximately seven acres) of the land described in the First Schedule to this Act which is not comprised in the portions referred to in Part One and Part Two of this Schedule of such works as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

20

25

(3) The Housing Improvement Act, 1936, is further amended—

30

(a) by inserting in section two next after the matter relating to Part V the following words and symbols:—

Further amendment of Act No. 59, 1936. Sec. 2. (Division into Parts.)

PART VA—ERSKINEVILLE HOUSING SCHEME.

PART VB—FINANCE.

(b) by inserting at the end of the same section the word—

35

“SCHEDULES.”

(4) The Housing Improvement Act, 1936, is further amended—

(a) by omitting from paragraph (a) of subsection six of section five the words “to a member”;

Further amendment of Act No. 59, 1936. Sec. 5. (Powers of board.)

(b)



*Housing (Further Provisions).*

- (b) by inserting at the end of the same paragraph the words—
- (i) to a member; or
  - (ii) to the secretary or any other officer appointed under subsection one of section eight of this Act; or
  - (iii) to any officer, servant or employee of whose services the board makes use pursuant to subsection four of section eight of this Act.
- (c) by omitting from paragraph (b) of the same subsection the words “A member” and by inserting in lieu thereof the words “Any person.”
4. (1) The Public Health Act, 1902-1932, is amended—
- (a) (i) by omitting from subsection one of section fifty-eight the words “that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may” and by inserting in lieu thereof the words “or to the Board that any house or other building within the area of the local authority is unfit or unsafe for human habitation or occupation or has become ruinous and dangerous (that is to say ruinous to such an extent that the continuance of such house or building is dangerous to the public or to the inhabitants of the neighbouring dwelling-houses) such local authority or the Board shall”;
- (ii) by inserting in the same subsection after the words “is not fit for human habitation or occupation” the words “or is in a ruinous and dangerous condition”;
- (iii) by inserting in the same subsection after the words “so as to render it fit for human habitation or occupation” the words “or eliminate the ruinous and dangerous condition (as the case may be)”;
- (iv) by omitting from the same subsection after the word “order” the word “may” and by inserting in lieu thereof the word “shall”;
- (b)

Amendment  
of Act No.  
30, 1902.  
Sec. 58.  
(Closing  
orders.)



*Housing (Further Provisions).*

- (b) (i) by inserting in subsection one of section sixty-one after the word "dwelling-houses" the words "or (as the case may be) that the ruinous and dangerous condition has not been eliminated and that the necessary steps are not being taken to eliminate such condition";
- (ii) by inserting in subsection three of the same section after the word "occupation" the words "or (as the case may be) the works necessary to eliminate the ruinous and dangerous condition of the house or building";
- (iii) by omitting from subsection one of section sixty-three the word "section" and by inserting in lieu thereof the words "sections fifty-eight or".
- (2) The Public Health Act, 1902-1932, as amended by this Act, may be cited as the Public Health Act, 1902-1937.

Sec. 61.  
(Demolition  
orders.)

Citation.

PART III.

AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

5. The Government Guarantees Act, 1934, as amended by this Act, may be cited as the Government Guarantees Act, 1934-1937.
6. (1) The Government Guarantees Act, 1934, is amended—
- (a) (i) by inserting in subsection two of section three after the word "bank" where firstly occurring the words "or of any society registered under the Friendly Societies Act, 1912-1935 (in this Act referred to as 'friendly society') or of any other body of persons, corporate or unincorporate, approved by the Minister (in this Act referred to as 'approved body')";
- (ii) by omitting from the same subsection the words "to be made by the bank—" and by inserting

Amendment  
of Act No.  
57, 1934.

Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)



*Housing (Further Provisions).*

inserting in lieu thereof the words "made or to be made by the bank, friendly society or approved body, as the case may be,—"

5

- (iii) by inserting at the end of the same section the following new subsection:—

10

(6) Any guarantee executed by the Colonial Treasurer under this Act may be made by way of increase of the amount of the Colonial Treasurer's liability as stated in a previous guarantee given under this Act, and may be made upon such terms and conditions as are prescribed or as the Colonial Treasurer may determine.

15

The enactment of this subsection shall not affect subsections one, two and three of this section.

20

- (b) (i) by inserting in section four after the word "bank" wherever occurring the words "friendly society or approved body as the case may be";

Sec. 4.  
(Provisions relating to guarantees.)

25

- (ii) by inserting in paragraph (d) of the same section after the word "hold" the words "or retain and hold";

- (iii) by inserting in paragraph (e) of the same section after the words "marketing board or a society" the words "(other than a building society)";

30

- (iv) by inserting at the end of the same paragraph the words "or where the principal debtor is a building society within the meaning of the said Act unless the bank, friendly society or approved body, as the case may be, shall, under the provisions of the securities executed by the building society in favour of the bank, friendly society or approved body as the case may be, or of any of such securities, have become entitled to appoint a receiver of the undertaking and assets of the building society."

35

(2)



*Housing (Further Provisions).*

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four, and shall apply to all guarantees executed on or after that date notwithstanding anything therein contained.

(3) The Government Guarantees Act, 1934, is further amended—

Further  
amendment  
of Act No.  
57, 1934.  
Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)

10 (a) by omitting from subsection two of section three the figures "1923-1932" and by inserting in lieu thereof the following figures and new proviso:—

"1923-1937:

15 Provided that where any such guarantee is for the repayment of any advance made to a building society within the meaning of the Co-operation Act, 1923-1937, it shall not be executed except upon the recommendation of the Co-operative Building Advisory Committee constituted under that Act;"

20 (b) by inserting at the end of the same section the following new subsection:—

25 ~~(6)~~ (7) The approval of the Governor to the execution of any guarantee under this section shall be conclusive evidence that the guarantee has not been entered into in contravention of this section.

30 7. (1) The action of the Governor and Executive Council in authorising the giving and of the Colonial Treasurer in giving the guarantees set out in the Schedule to this Act is hereby validated. Validation.

35 (2) No guarantee so given shall be held to be void merely on the ground that the person by whom such guarantee was so given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

(3)



*Housing (Further Provisions).*

(3) The Government Guarantees Act, 1934, is further amended—

Further amendment of Act No. 57, 1934.

- 5 (a) by inserting in section three after the words "validated by this Act" wherever occurring the words "or by the Housing (Further Provisions) Act, 1937";
- (b) by inserting in section four after the words "validated by this Act" the words "or by the Housing (Further Provisions) Act, 1937";
- 10 (c) by inserting in section five after the words "by this Act" the words "or validated by the Housing (Further Provisions) Act, 1937."

Sec. 3.  
(Authority to Treasurer to give guarantees.)

Sec. 4.  
(Provisions relating to guarantees.)

Sec. 5.  
(Contingent appropriation.)

## PART IV.

## AMENDMENT OF CO-OPERATION ACT, 1923-1936.

15 8. The Co-operation Act, 1923-1936, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1937.

Citation.

9. The Co-operation Act, 1923-1936, as amended by subsequent Acts, is amended—

Amendment of Act No. 1, 1924.

20 (a) by omitting paragraph (c) of subsection one of section 17A and by inserting in lieu thereof the following paragraph:—

Sec. 17A.  
(Under-takings by Treasurer.)

25 (c) the amount proposed to be lent reduced by the value of the share capital of the member or by the sum of one hundred pounds whichever is the smaller sum does not exceed nine hundred pounds; and

(b) by inserting at the end of the same subsection the following words and new subsection:—

30 The instrument evidencing any agreement entered into under this section may be signed by the Colonial Treasurer or for and on behalf of the Colonial Treasurer by any other Minister of the Crown.

(1A)



*Housing (Further Provisions).*

(1A) The value of the share capital of a member of any society shall, for the purposes of this section, be calculated in such manner as the Co-operative Building Advisory Committee constituted under this Act may direct.

Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect.

- (c) by inserting in subsection two of the same section after the words "the Governor to" the words "enter into";
- (d) by inserting in subsection four of the same section after the words "the Governor to" the words "enter into";
- (e) by omitting from the same subsection the word "subsection" and by inserting in lieu thereof the word "section".

10. (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 1, 1924.

- (a) by omitting from paragraph (d) of subsection one of section 17A the words "paid up value of the members share capital" and by inserting in lieu thereof the words "value of the share capital of the member";
- (b) by omitting from the same subsection the words "paid up value of the member's share capital is in excess of" and by inserting in lieu thereof the words "value of the share capital of the member exceeded";
- (c) by inserting at the end of the same subsection the following new paragraph:—

Sec. 17A.  
(Under-takings by Treasurer.)

Any such agreement shall operate and have effect until the registrar certifies to the Governor that the amount owing to the society by the member in respect of the loan to which the agreement relates, reduced by the value of the share capital of the member is not more than



*Housing (Further Provisions).*

than sixty-six and two-thirds per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (d) of this subsection.

- 5 (2) The amendments made by subsection one of this section shall be deemed to have commenced upon the second day of February, one thousand nine hundred and thirty-seven, and shall apply to all agreements entered into on or after that date notwithstanding anything  
10 therein contained; and the obligations of the Colonial Treasurer under any such agreement shall be varied accordingly; but no such variation shall operate to increase the limit of the amount of the Colonial Treasurer's liability as stated in the agreement.

- 15 **11.** The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended— Further amendment of Act No. 1, 1924.

- (a) by inserting next after section eighty-four the following new section:— New sec. 84A.

- 20 84A. (1) This section shall apply to and in respect of—

- (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and Power to appoint director of certain societies.
- 25
- (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.
- 30
- 35

(2)



*Housing (Further Provisions).*

(2) The Governor may, from time to time, by notification published in the Gazette, appoint a person to be a director of any building society to which this section applies.

5 (3) The provisions of this Act (other than this section) and of the rules of the building society relating to the qualification, disqualification, remuneration, removal from office and  
10 term of office of directors and to the vacation of office by directors shall not apply to and in respect of a director appointed under this section.

(4) A director appointed under this section shall hold office as an additional director and shall not be counted in ascertaining the number  
15 of directors for the election of whom provision is made in the rules of the society.

(5) Subject to subsection three of this section a director appointed under this section shall have all the powers, rights, authorities, functions, privileges, immunities, duties, obligations and liabilities of a director elected in accordance with the rules of the society.  
20

(6) A director appointed under this section shall, unless he is an officer of the Public Service or a member of the Legislative Council or of the Legislative Assembly of New South Wales, be paid such fees as may be prescribed by regulation.  
25

30 (b) by inserting next after section eighty-eight the following new sections:—

88A. A director or other officer of a building society shall not, except where specifically authorised by a special resolution of the society—

35 (a) sell any land to or act as agent for the sale of any land to a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or

(b)

New secs.  
88A, 88B.

Certain  
dealings  
prohibited.



*Housing (Further Provisions).*

- 5 (b) undertake the erection of any building for a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or
- 10 (c) accept as payment in whole or in part of any moneys due to him by a member of the society the whole or part of any advance made by the society to such member.

88B. (1) This section shall apply to and in respect of—

- 15 (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and
- 20 (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.
- 25

Power to dismiss director or secretary of certain societies after inquiry.

30 (2) The Minister may appoint a person to hold an inquiry and to report to the co-operative building advisory committee with respect to—

- 35 (a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a building society to which this section applies; or

(b)



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*Housing (Further Provisions).*

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5 (b) any act or omission of any director or  
secretary of a building society to which  
this section applies—such act or omis-  
sion having relation to the carrying out  
of the provisions of this or any other  
Act conferring powers or imposing  
duties on the building society or to the  
office or position held by the director  
or secretary or to the powers or duties  
10 of that office or position.

(3) For the purposes of any such in-  
quiry the person holding the inquiry shall have  
the powers, authorities, protections and immu-  
nities conferred on a commissioner by Division  
15 1 of Part II of the Royal Commissions Acts,  
1923-1934, and shall be deemed to be a sole com-  
missioner within the meaning of that Division.

The provisions of the Royal Commissions  
Acts, 1923-1934, with the exception of section  
20 thirteen and of Division 2 of Part II, shall,  
mutatis mutandis, apply to the inquiry and to  
any witness or person summoned by or appear-  
ing before the person holding the inquiry.

(4) The co-operative building advisory  
25 committee may, after consideration of the re-  
port of the person holding an inquiry under this  
section, direct that the office or position in a  
building society of the director or secretary to  
whom the report relates shall be vacated, and  
30 that such director shall not be eligible to hold  
office as a director of or (as the case may re-  
quire) that such secretary shall not be eligible  
for appointment or employment as the secretary  
of that building society.

35 The office or position shall be deemed to have  
become vacant as from the date upon which  
notices, addressed to the director or secretary  
to whom the same relates and to the society of  
which he is a director or the secretary, as the

case



*Housing (Further Provisions).*

case may be, and signed by the chairman and executive member of the Co-operative Building Advisory Committee, of the direction of that committee, are delivered at or posted to the registered office of the building society.

5

(5) Every director or secretary of a building society to which this section applies shall, whether he was elected or appointed to such office or position before, or is so elected or appointed after, the commencement of the Housing (Further Provisions) Act, 1937, hold his office or position subject to the provisions of this section.

10

12. (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 1, 1924.

(a) by inserting at the end of subsection ten of section forty-seven the following proviso:—

Sec. 47.

(Shares.)

Provided that where a society has made a loan to a member and the number of shares held by such member has exceeded, or at any time exceeds, the number permitted by or under this subsection, such member shall, until the amount lent to him has been repaid to the society with interest thereon, be liable to make to the society the payments which he would be liable to make if all such shares were lawfully held by him and no security for the repayment of such loan taken by the society shall be affected by any contravention of this subsection.

20

25

30 (b) (i) by omitting subsection one of section sixty-five and by inserting in lieu thereof the following subsection:—

Sec. 65.

(Borrowing powers.)

(1) (a) Where a society is authorised by its rules to raise money on loan the society may raise the money in such manner as the society may think fit, and in particular by legal or equitable mortgage charged upon the undertaking of the society or upon all

35

or



*Housing (Further Provisions).*

or any part of the property and rights (both present and future) of the society, including its uncalled or unpaid capital, subscriptions, loan payments and other moneys, or by the issue of bonds.

5

(b) A society shall not be deemed to be authorised to receive money on deposit unless, by its rules, it is expressly authorised to receive money on deposit.

10

(ii) by inserting in subsection two of the same section after the word "financial" the word "or";

15

(c) (i) by inserting in subsection three of section sixty-six after the word "bank" the words "or any society registered under the Friendly Societies Act, 1912-1935";

Sec. 66.

(Loans and deposits.)

20

(ii) by omitting from subsection (7A) of the same section the words "during such period" and by inserting in lieu thereof the words "or if all deposits received have been repaid at the time of the loan";

25

(iii) by inserting at the end of subsection (7B) of the same section the following paragraph:—

For the purposes of this subsection a bond shall not include any instrument which makes any property liable, whether specifically or otherwise, to any bank or any society registered under the Friendly Societies Act, 1912-1935, or any financial or trading corporation, or liable specifically to any other person as security for money raised on loan or received on deposit.

30

(iv) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

35

(12) No member or other person lending money to or depositing money with a society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that such society, in borrowing

40



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*Housing (Further Provisions).*

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borrowing such money or receiving such deposit, has contravened the provisions of this or any other section of this Act or the rules of the society.

- 5 (d) by inserting at the end of section eighty the following new subsection:— Sec. 80.  
(Special resolution.)
- 10 (4) A certificate of registration of any special resolution or of any alteration of the rules of a society given by the registrar shall, in favour of any person advancing money to the society on the faith of such certificate, or in favour of any guarantor of any such advance, be conclusive evidence that such resolution was duly passed or such alteration in the rules was duly made as the case may be.
- 15 (e) (i) by inserting in section one hundred and thirteen after the words "of this Act" where firstly occurring the words "or any rule of the society"; Sec. 113.  
(Civil remedies.)
- 20 (ii) by inserting in the same section after the words "of this Act" where secondly occurring the words "or of the rules of the society."
- 25 (2) Subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four.

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**PART V.****AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT,  
1934-1936.**

- 30 **13.** This Part of this Act shall be deemed to have commenced on the twenty-ninth day of June, one thousand nine hundred and thirty-four. Commence-  
ment of  
Part V.

**14.**



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*Housing (Further Provisions).*

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**14.** (1) The Housing of the Unemployed Act, 1934-  
1936, is amended—

Amendment  
of Act No.  
4, 1934.

(a) by inserting next after section six the following new section:—

New sec. 6A.

5        6A. (1) The trust may, from time to time by  
resolution, delegate such of the powers, autho-  
rities, duties or functions of the trust or of the  
chairman as are specified in the resolution—

Delegation.

- 10        (a) to any member of the trust;  
          (b) to any officer appointed under subsec-  
          tion two of section six of this Act;  
          (c) to any officer or employee of whose ser-  
          vices the trust makes use pursuant to  
15        subsection one of section six of this  
          Act.

(2) Any such delegation may be made  
either generally or for any particular case or  
class of cases.

20        (3) Any person, when acting within the  
scope of any such delegation to him, shall be  
deemed to be the trust or the chairman as the  
case may be.

25        (4) Any instrument necessary to be exe-  
cuted and any notice, order, summons or other  
like document requiring authentication for the  
purpose of the exercise or discharge of any  
power, authority, duty or function delegated to  
any person under this section, shall be suf-  
30        ficiently executed or authenticated, as the case  
may be, if signed by such person in such a way as  
to show that he does so under and in pursuance  
of the delegation.

(5) The trust may by resolution revoke  
any delegation made under this section.

35        (b) by inserting at the end of section eight the fol-  
lowing new subsection:—

Sec. 8.  
(Powers of  
trust.)

40        (3) The trust may, from time to time, upon  
such conditions as may be determined by it,  
provide assistance of whatever nature it may  
think fit to any unemployed person or other  
person



*Housing (Further Provisions).*

person in necessitous circumstances in connection with the erection, improvement or repair of any building used or intended to be used as a home for such person and his family.

- 5 (c) by inserting at the end of section nine the following new subsection:—

Sec. 9.  
(Further powers of trust.)

(4) The trust may, from time to time, upon such conditions as may be determined by it, effect such improvements or repairs as it may deem necessary to—

10

(a) any building on land which is vested in or leased by the trust; or

(b) any building on land which has been let, leased or sold by the trust under this section; or

15

(c) any building which has been erected, repaired or improved with materials supplied by the trust or purchased with moneys advanced by the trust under and in accordance with this Act.

20

(2) The Housing of the Unemployed Act, 1934-1936, as amended by this Act, may be cited as the Housing of the Unemployed Act, 1934-1937.

## SCHEDULE.

Sec. 7.

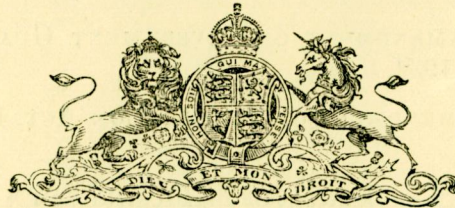
25	Date.	Debtor.	Creditor.	Amount guaranteed.
				£
30	16th Dec., 1936	The Organising Council of the Australian British Empire Games Association.	Commonwealth Bank of Australia, Sydney.	10,000
	29th Sep., 1937	Port Kembla Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	63,000
35	29th Sep., 1937	Port Kembla Brick Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	34,000



*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. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 10 December, 1937, A.M.

## New South Wales.



ANNO PRIMO

# GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1937.

An Act to make further provisions in relation to housing; to validate certain matters; to amend the Housing Improvement Act, 1936; the Government Guarantees Act, 1934, the Co-operation Act, 1923-1936, the Housing of the Unemployed Act, 1934-1936, and certain other Acts in certain respects; and for purposes connected therewith.

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 :—

### PART I.

#### PRELIMINARY.

1. (1) This Act may be cited as the "Housing Short title.  
(Further Provisions) Act, 1937."

61047 126—A

(2)



*Housing (Further Provisions).*

(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF HOUSING IMPROVEMENT  
ACT, 1936, AND CERTAIN OTHER ACTS.

5 PART III.—AMENDMENT OF GOVERNMENT GUARAN-  
TEES ACT, 1934.

PART IV.—AMENDMENT OF CO-OPERATION ACT, 1923-  
1936.

10 PART V.—AMENDMENT OF HOUSING OF THE  
UNEMPLOYED ACT, 1934-1936.

SCHEDULE.

PART II.

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND  
CERTAIN OTHER ACTS.

15 2. The Housing Improvement Act, 1936, as amended Citation.  
by this Act, may be cited as the Housing Improvement  
Act, 1936-1937.

20 3. (1) The Housing Improvement Act, 1936, is  
amended by inserting next after Part V the following  
new Parts:—

Amendment of  
Act No. 59,  
1936.  
New Parts  
VA and VB.

PART VA.

ERSKINEVILLE HOUSING SCHEME.

DIVISION 1.—*Construction of certain works.*

25 14A. (1) (a) The carrying out on the land  
described in the First Schedule to this Act of the  
work referred to in the Second Schedule to this Act  
is hereby sanctioned.

Certain work  
sanctioned.

30 (b) The said work shall be deemed to  
be an authorised work within the meaning of the  
Public Works Act, 1912, as amended by subsequent  
Acts.

(c)



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*Housing (Further Provisions).*

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5 (c) The Housing Improvement Board is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act as so amended and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

10 (d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

15 (2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contract referred to in paragraph (c) of subsection one of this section.

20 14B. (1) The cost of carrying out so much of the said work as is referred to in Part One of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifty-four thousand pounds. Cost.

25 (2) The cost of carrying out so much of the said work as is referred to in Part Two of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifteen thousand pounds.

30 (3) The cost of carrying out so much of the said work as is referred to in Part Three of the Second Schedule to this Act (exclusive of land resumptions) is estimated at five hundred pounds.

(4) The respective estimated costs referred to in this section shall not under any circumstances be exceeded by more than ten per centum.

35 DIVISION 2.—*Care, control and management of certain works.*

14c. The board shall have the care, control and management of so much of the work referred to in the  
Care, control and management.



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*Housing (Further Provisions).*

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the Second Schedule to this Act as consists of dwellings and ancillary buildings and works constructed on the portion of land referred to in Part One of that Schedule.

5       14D. (1) For the purposes of carrying this Division into effect the board may, from time to time and notwithstanding anything contained in any other Act, take such steps, provide such equipment, and carry out such works and operations  
10       (including works of maintenance and repair) as may be necessary or as it may think desirable.

Powers  
of the  
board.

15       (2) Without prejudice to the generality of subsection one of this section the board may let or may, with the approval of the Governor, sell or otherwise dispose of the land or any part thereof upon which any of the works referred to in section 14C of this Act are constructed.

20       Any such letting may be made at such rent (whether the same is the best rent that can reasonably be obtained or not) and for such term and subject to such covenants and conditions as the board, in its absolute discretion, may from time to time determine.

25       14E. (1) Upon completion of the works referred to in Part Two of the Second Schedule to this Act, the Governor shall notify in the Gazette that such works are complete.

Park lands.

30       (2) On the date of the publication in the Gazette of any such notification—

35       (a) the land upon which the works referred to in the notification have been carried out shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and

40       (b) such land shall be deemed to be dedicated under the said Act as so amended for the purposes of public recreation; and

      (c) the board shall have the care, control and management of such land and shall continue to have such care, control and management until



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*Housing (Further Provisions).*

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until the Governor by proclamation in the Gazette, pursuant to section three hundred and forty-five of the Local Government Act, 1919, as amended by subsequent Acts, charges the council of the area with the care, control and management of such land.

(3) Where the board has the care, control and management of any land pursuant to this section—

(a) the board shall have and may exercise and discharge, in relation to such land, all or any of the powers, authorities, duties and functions which may be exercised and discharged under the Local Government Act, 1919, as amended by subsequent Acts, by a council in relation to a public reserve, the care, control and management of which is placed in the council under Part XIII of the said Act as so amended;

(b) the Governor may make regulations in relation to such land prescribing all such matters and things as may be prescribed by ordinance under the Local Government Act, 1919, as amended by subsequent Acts, in relation to a public reserve, the care, control and management of which is placed in a council under Part XIII of the said Act as so amended.

All regulations made under this subsection shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sittings days after such regulations have been



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*Housing (Further Provisions).*

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been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

5 14F. Where land is acquired by the board pursuant to this Part of this Act, no rate shall be made or levied under the Local Government Act, 1919, as amended by subsequent Acts, in respect of the land so acquired. Exemption from rates.

10 14G. On and from the day upon which that portion of the land described in the First Schedule to this Act which is referred to in Part Three of the Second Schedule to this Act is acquired by the board the following provisions shall have effect:— Rights, liabilities and property.

15 (a) The body corporate known as The Trustees of Erskineville Park shall be and the same is hereby dissolved, and the persons who, immediately before the said day, were the members of such body corporate shall cease to hold office as such.

20 (b) All property (other than the land so acquired) and all right and interest therein which, immediately before the said day, is vested in or belongs to The Trustees of Erskineville Park, shall vest in and belong to the board.

25 (c) All moneys, liquidated and unliquidated claims which, immediately before the said day, are payable to or recoverable by The Trustees of Erskineville Park, shall be moneys, liquidated and unliquidated claims payable to and recoverable by the board.

30 (d) All suits, actions and proceedings pending immediately before the said day at the suit of The Trustees of Erskineville Park, shall be suits, actions and proceedings pending at the suit of the board.

35 (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions



*Housing (Further Provisions).*

actions and proceedings as The Trustees of Erskineville Park might have done but for this Act.

5 (f) The board may enforce and realise any security or charge existing immediately before the said day in favour of The Trustees of Erskineville Park in respect of any such moneys and claims as if such security or charge were existing in favour of the board.

10 (g) All debts due and moneys payable by and all claims, liquidated and unliquidated, recoverable against The Trustees of Erskineville Park shall be debts due and moneys payable by and claims recoverable against the board:

15 Provided that the liability of the board in respect of such debts, moneys and claims shall be limited to the amount of the assets of The Trustees of Erskineville Park which are vested in or recovered by the board under this section.

PART VB.

FINANCE.

25 14H. (1) There shall be constituted an account in Special Deposits Account to be called the "Housing Improvement Account." Housing Improvement Account.

(2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

30 14I. (1) There shall be paid to the credit of the account— Assets of account.

(a) all moneys advanced to the board by the Colonial Treasurer or provided by Parliament for the purposes of the board;

35 (b) all moneys received by the board from any other source.

(2)



*Housing (Further Provisions).*

(2) The account may be applied to any of the following purposes:— Application of account.

- (a) the administrative expenses of the board;
- 5 (b) the costs and expenses incurred in carrying out any of the powers, authorities, duties and functions conferred and imposed on the board by or under this Act;
- 10 (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

14j. The board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the board. Accounts.

14k. The accounts of the board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the board, the members of the board and the officers and employees of the board in the same manner as it applies to accounting officers of public departments. Audit.

(2) The Housing Improvement Act, 1936, is further amended by inserting after section sixteen the following new Schedules:— Further amendment of Act No. 59, 1933.  
New Schedules.

FIRST SCHEDULE.

35 All that piece or parcel of land known as Erskineville Park, parishes of Alexandria and Petersham, county of Cumberland, bounded by Mitchell-road, Ashmore-street, Binning-street, Swanson-street and Copeland-street.

SECOND



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*Housing (Further Provisions).*


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## SECOND SCHEDULE.

The works respectively referred to in Part One, Part Two and Part Three of this Schedule are subject to such modifications as may be considered desirable by the Board.

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## PART ONE.

The construction upon the north-western portion (comprising approximately four acres) of the land described in the First Schedule to this Act, of fifty-six dwellings (including the provision of equipment therefor) and of ancillary buildings and works.

10

## PART TWO.

The construction upon the eastern portion (comprising approximately eleven and one-half acres) of the land described in the First Schedule to this Act, of such works (including the provision of a sports ground) as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

15

## PART THREE.

The construction upon that portion (comprising approximately seven acres) of the land described in the First Schedule to this Act which is not comprised in the portions referred to in Part One and Part Two of this Schedule of such works as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

20

25

(3) The Housing Improvement Act, 1936, is further amended—

(a) by inserting in section two next after the matter relating to Part V the following words and symbols:—

30

Further amendment of Act No. 59, 1936. Sec. 2. (Division into Parts.)

## PART VA—ERSKINEVILLE HOUSING SCHEME.

## PART VB—FINANCE.

(b) by inserting at the end of the same section the word—

35

## “SCHEDULES.”

(4) The Housing Improvement Act, 1936, is further amended—

(a) by omitting from paragraph (a) of subsection six of section five the words “to a member”;

Further amendment of Act No. 59, 1936. Sec. 5.

(b) (Powers of board.)



*Housing (Further Provisions).*

(b) by inserting at the end of the same paragraph the words—

(i) to a member; or

(ii) to the secretary or any other officer appointed under subsection one of section eight of this Act; or

(iii) to any officer, servant or employee of whose services the board makes use pursuant to subsection four of section eight of this Act.

(c) by omitting from paragraph (b) of the same subsection the words "A member" and by inserting in lieu thereof the words "Any person."

4. (1) The Public Health Act, 1902-1932, is amended—

Amendment  
of Act No.  
30, 1902.

(a) (i) by omitting from subsection one of section fifty-eight the words "that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may" and by inserting in lieu thereof the words "or to the Board that any house or other building within the area of the local authority is unfit or unsafe for human habitation or occupation or has become ruinous and dangerous (that is to say ruinous to such an extent that the continuance of such house or building is dangerous to the public or to the inhabitants of the neighbouring dwelling-houses) such local authority or the Board shall";

Sec. 58.  
(Closing  
orders.)

(ii) by inserting in the same subsection after the words "is not fit for human habitation or occupation" the words "or is in a ruinous and dangerous condition";

(iii) by inserting in the same subsection after the words "so as to render it fit for human habitation or occupation" the words "or eliminate the ruinous and dangerous condition (as the case may be)";

(b).



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*Housing (Further Provisions).*

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- (b) (i) by inserting in subsection one of section **Sec. 61.**  
 sixty-one after the word "dwelling- (Demolition  
 houses" the words "or (as the case may orders.)  
 be) that the ruinous and dangerous condi-  
 5 tion has not been eliminated and that the  
 necessary steps are not being taken to  
 eliminate such condition";
- (ii) by inserting in subsection three of the same  
 section after the word "occupation" the  
 10 words "or (as the case may be) the works  
 necessary to eliminate the ruinous and dan-  
 gerous condition of the house or building."
- (2) The Public Health Act, 1902-1932, as amended Citation.  
 by this Act, may be cited as the Public Health Act, 1902-  
 15 1937.

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PART III.

AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

- 5.** The Government Guarantees Act, 1934, as amended Citation.  
 by this Act, may be cited as the Government Guarantees  
 20 Act, 1934-1937.
- 6.** (1) The Government Guarantees Act, 1934, is Amendment  
 amended— of Act No.  
 57, 1934.
- (a) (i) by inserting in subsection two of section Sec. 3.  
 three after the word "bank" where firstly (Authority  
 25 occurring the words "or of any society to Treasurer  
 registered under the Friendly Societies to give  
 Act, 1912-1935 (in this Act referred to as guarantees.)  
 'friendly society') or of any other body of  
 persons, corporate or unincorporate, ap-  
 30 proved by the Minister (in this Act referred  
 to as 'approved body')";
- (ii) by omitting from the same subsection the  
 words "to be made by the bank—" and by  
 inserting



*Housing (Further Provisions).*

inserting in lieu thereof the words "made or to be made by the bank, friendly society or approved body, as the case may be,—"

- (iii) by inserting at the end of the same section the following new subsection:—

(6) Any guarantee executed by the Colonial Treasurer under this Act may be made by way of increase of the amount of the Colonial Treasurer's liability as stated in a previous guarantee given under this Act, and may be made upon such terms and conditions as are prescribed or as the Colonial Treasurer may determine.

The enactment of this subsection shall not affect subsections one, two and three of this section.

- (b) (i) by inserting in section four after the word "bank" wherever occurring the words "friendly society or approved body as the case may be";

Sec. 4.  
(Provisions relating to guarantees.)

- (ii) by inserting in paragraph (d) of the same section after the word "hold" the words "or retain and hold";

- (iii) by inserting in paragraph (e) of the same section after the words "marketing board or a society" the words "(other than a building society)";

- (iv) by inserting at the end of the same paragraph the words "or where the principal debtor is a building society within the meaning of the said Act unless the bank, friendly society or approved body, as the case may be, shall, under the provisions of the securities executed by the building society in favour of the bank, friendly society or approved body as the case may be, or of any of such securities, have become entitled to appoint a receiver of the undertaking and assets of the building society."

(2)



*Housing (Further Provisions).*

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four, and shall apply to all guarantees executed on or after that date notwithstanding anything therein contained.

(3) The Government Guarantees Act, 1934, is further amended—

- 10 (a) by omitting from subsection two of section three the figures “1923-1932” and by inserting in lieu thereof the following figures and new proviso:—

Further  
amendment  
of Act No.  
57, 1934.  
Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)

“1923-1937:

15 Provided that where any such guarantee is for the repayment of any advance made to a building society within the meaning of the Co-operation Act, 1923-1937, it shall not be executed except upon the recommendation of the Co-operative Building Advisory Committee constituted under that Act;”

- 20 (b) by inserting at the end of the same section the following new subsection:—

25 (6) The approval of the Governor to the execution of any guarantee under this section shall be conclusive evidence that the guarantee has not been entered into in contravention of this section.

7. (1) The action of the Governor and Executive Council in authorising the giving and of the Colonial Treasurer in giving the guarantees set out in the Schedule to this Act is hereby validated.

30 (2) No guarantee so given shall be held to be void merely on the ground that the person by whom such guarantee was so given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

(3)



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*Housing (Further Provisions).*


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(3) The Government Guarantees Act, 1934, is further amended—

- 5 (a) by inserting in section three after the words  
 “validated by this Act” wherever occurring the  
 words “or by the Housing (Further Provisions)  
 Act, 1937”;
- (b) by inserting in section four after the words  
 “validated by this Act” the words “or by the  
 Housing (Further Provisions) Act, 1937”;
- 10 (c) by inserting in section five after the words “by  
 this Act” the words “or validated by the Hous-  
 ing (Further Provisions) Act, 1937.”
- Further amendment of Act No. 57, 1934.  
 Sec. 3.  
 (Authority to Treasurer to give guarantees.)  
 Sec. 4.  
 (Provisions relating to guarantees.)  
 Sec. 5.  
 (Contingent appropriation.)

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 PART IV.

## AMENDMENT OF CO-OPERATION ACT, 1923-1936.

15 8. The Co-operation Act, 1923-1936, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1937.

9. The Co-operation Act, 1923-1936, as amended by subsequent Acts, is amended—

- 20 (a) by omitting paragraph (c) of subsection one of section 17A and by inserting in lieu thereof the following paragraph:—
- (c) the amount proposed to be lent reduced by the value of the share capital of the member or by the sum of one hundred pounds whichever is the smaller sum does not exceed nine hundred pounds; and
- 25 (b) by inserting at the end of the same subsection the following words and new subsection:—
- 30 The instrument evidencing any agreement entered into under this section may be signed by the Colonial Treasurer or for and on behalf of the Colonial Treasurer by any other Minister of the Crown.
- Amendment of Act No. 1, 1924.  
 Sec. 17A.  
 (Under-takings by Treasurer.)

(1A)



*Housing (Further Provisions).*

5 (1A) The value of the share capital of a member of any society shall, for the purposes of this section, be calculated in such manner as the Co-operative Building Advisory Committee constituted under this Act may direct.

Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect.

10 (c) by inserting in subsection two of the same section after the words "the Governor to" the words "enter into";

(d) by inserting in subsection four of the same section after the words "the Governor to" the words "enter into";

15 (e) by omitting from the same subsection the word "subsection" and by inserting in lieu thereof the word "section".

20 10. (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 1, 1924

25 (a) by omitting from paragraph (d) of subsection one of section 17A the words "paid up value of the members share capital" and by inserting in lieu thereof the words "value of the share capital of the member";

Sec. 17A.  
(Under-takings by Treasurer.)

(b) by omitting from the same subsection the words "paid up value of the member's share capital is in excess of" and by inserting in lieu thereof the words "value of the share capital of the member exceeded";

30 (c) by inserting at the end of the same subsection the following new paragraph:—

35 Any such agreement shall operate and have effect until the registrar certifies to the Governor that the amount owing to the society by the member in respect of the loan to which the agreement relates, reduced by the value of the share capital of the member is not more than



*Housing (Further Provisions).*

than sixty-six and two-thirds per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (d) of this subsection.

- 5 (2) The amendments made by subsection one of this section shall be deemed to have commenced upon the second day of February, one thousand nine hundred and thirty-seven, and shall apply to all agreements entered  
10 therein contained; and the obligations of the Colonial Treasurer under any such agreement shall be varied accordingly; but no such variation shall operate to increase the limit of the amount of the Colonial Treasurer's liability as stated in the agreement.

- 15 **11.** The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended— Further amendment of Act No. 1, 1924.

- (a) by inserting next after section eighty-four the following new section:— New sec. 84A.

- 20 84A. (1) This section shall apply to and in respect of—

- (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the  
25 Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and Power to appoint director of certain societies.
- 30 (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under  
35 section 17A of this Act, whether as originally enacted or as amended from time to time.

(2)



*Housing (Further Provisions).*

(2) The Governor may, from time to time, by notification published in the Gazette, appoint a person to be a director of any building society to which this section applies.

(3) The provisions of this Act (other than this section) and of the rules of the building society relating to the qualification, disqualification, remuneration, removal from office and term of office of directors and to the vacation of office by directors shall not apply to and in respect of a director appointed under this section.

(4) A director appointed under this section shall hold office as an additional director and shall not be counted in ascertaining the number of directors for the election of whom provision is made in the rules of the society.

(5) Subject to subsection three of this section a director appointed under this section shall have all the powers, rights, authorities, functions, privileges, immunities, duties, obligations and liabilities of a director elected in accordance with the rules of the society.

(6) A director appointed under this section shall, unless he is an officer of the Public Service or a member of the Legislative Council or of the Legislative Assembly of New South Wales, be paid such fees as may be prescribed by regulation.

(b) by inserting next after section eighty-eight the following new sections:—

New secs.  
88A, 88B.

88A. A director or other officer of a building society shall not, except where specifically authorised by a special resolution of the society—

Certain  
dealings  
prohibited.

(a) sell any land to or act as agent for the sale of any land to a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or

(b)



*Housing (Further Provisions).*

- 5 (b) undertake the erection of any building for a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or
- 10 (c) accept as payment in whole or in part of any moneys due to him by a member of the society the whole or part of any advance made by the society to such member.

88B. (1) This section shall apply to and in respect of—

- 15 (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and
- 20 (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.
- 25

30 (2) The Minister may appoint a person to hold an inquiry and to report to the co-operative building advisory committee with respect to—

- 35 (a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a building society to which this section applies; or

(b)

Power to dismiss director or secretary of certain societies after inquiry.



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*Housing (Further Provisions).*

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5 (b) any act or omission of any director or  
secretary of a building society to which  
this section applies—such act or omis-  
sion having relation to the carrying out  
of the provisions of this or any other  
Act conferring powers or imposing  
duties on the building society or to the  
office or position held by the director  
or secretary or to the powers or duties  
10 of that office or position.

(3) For the purposes of any such in-  
quiry the person holding the inquiry shall have  
the powers, authorities, protections and immu-  
nities conferred on a commissioner by Division  
15 1 of Part II of the Royal Commissions Acts,  
1923-1934, and shall be deemed to be a sole com-  
missioner within the meaning of that Division.

The provisions of the Royal Commissions  
Acts, 1923-1934, with the exception of section  
20 thirteen and of Division 2 of Part II, shall,  
mutatis mutandis, apply to the inquiry and to  
any witness or person summoned by or appear-  
ing before the person holding the inquiry.

(4) The co-operative building advisory  
25 committee may, after consideration of the re-  
port of the person holding an inquiry under this  
section, direct that the office or position in a  
building society of the director or secretary to  
whom the report relates shall be vacated, and  
30 that such director shall not be eligible to hold  
office as a director of or (as the case may re-  
quire) that such secretary shall not be eligible  
for appointment or employment as the secretary  
of that building society.

35 The office or position shall be deemed to have  
become vacant as from the date upon which  
notices, addressed to the director or secretary  
to whom the same relates and to the society of  
which he is a director or the secretary, as the

case



*Housing (Further Provisions).*

case may be, and signed by the chairman and executive member of the Co-operative Building Advisory Committee, of the direction of that committee, are delivered at or posted to the registered office of the building society.

(5) Every director or secretary of a building society to which this section applies shall, whether he was elected or appointed to such office or position before, or is so elected or appointed after, the commencement of the Housing (Further Provisions) Act, 1937, hold his office or position subject to the provisions of this section.

**12.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further  
amendment of  
Act No. 1, 1924.

(a) by inserting at the end of subsection ten of section forty-seven the following proviso:—

Sec. 47.  
(Shares.)

Provided that where a society has made a loan to a member and the number of shares held by such member has exceeded, or at any time exceeds, the number permitted by or under this subsection, such member shall, until the amount lent to him has been repaid to the society with interest thereon, be liable to make to the society the payments which he would be liable to make if all such shares were lawfully held by him and no security for the repayment of such loan taken by the society shall be affected by any contravention of this subsection.

**30** (b) (i) by omitting subsection one of section sixty-five and by inserting in lieu thereof the following subsection:—

Sec. 65.  
(Borrowing  
powers.)

(1) (a) Where a society is authorised by its rules to raise money on loan the society may raise the money in such manner as the society may think fit, and in particular by legal or equitable mortgage charged upon the undertaking of the society or upon all

or



*Housing (Further Provisions).*

or any part of the property and rights (both present and future) of the society, including its uncalled or unpaid capital, subscriptions, loan payments and other moneys, or by the issue of bonds.

5

(b) A society shall not be deemed to be authorised to receive money on deposit unless, by its rules, it is expressly authorised to receive money on deposit.

10

(ii) by inserting in subsection two of the same section after the word "financial" the word "or";

(c) (i) by inserting in subsection three of section sixty-six after the word "bank" the words "or any society registered under the Friendly Societies Act, 1912-1935";

15

(ii) by omitting from subsection (7A) of the same section the words "during such period" and by inserting in lieu thereof the words "or if all deposits received have been repaid at the time of the loan";

20

(iii) by inserting at the end of subsection (7B) of the same section the following paragraph:—

25

For the purposes of this subsection a bond shall not include any instrument which makes any property liable, whether specifically or otherwise, to any bank or any society registered under the Friendly Societies Act, 1912-1935, or any financial or trading corporation, or liable specifically to any other person as security for money raised on loan or received on deposit.

30

(iv) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

35

(12) No member or other person lending money to or depositing money with a society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that such society, in borrowing

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*Housing (Further Provisions).*


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borrowing such money or receiving such deposit, has contravened the provisions of this or any other section of this Act or the rules of the society.

- 5 (d) by inserting at the end of section eighty the following new subsection:—

Sec. 80.  
(Special  
resolution.)

- 10 (4) A certificate of registration of any special resolution or of any alteration of the rules of a society given by the registrar shall, in favour of any person advancing money to the society on the faith of such certificate, or in favour of any guarantor of any such advance, be conclusive evidence that such resolution was duly passed or such alteration in the rules was duly made as the case may be.

- 15 (e) (i) by inserting in section one hundred and thirteen after the words "of this Act" where firstly occurring the words "or any rule of the society";

Sec. 113.  
(Civil  
remedies.)

- 20 (ii) by inserting in the same section after the words "of this Act" where secondly occurring the words "or of the rules of the society."

- 25 (2) Subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four.

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PART V.

AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT,  
1934-1936.

- 30 **13.** This Part of this Act shall be deemed to have commenced on the twenty-ninth day of June, one thousand nine hundred and thirty-four.

Commence-  
ment of  
Part V.

**14.**



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*Housing (Further Provisions).*

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**14.** (1) The Housing of the Unemployed Act, 1934-1936, is amended—

Amendment  
of Act No.  
4, 1934.

(a) by inserting next after section six the following new section:—

New sec. 6A.

5

6A. (1) The trust may, from time to time by resolution, delegate such of the powers, authorities, duties or functions of the trust or of the chairman as are specified in the resolution—

Delegation.

10

(a) to any member of the trust;

(b) to any officer appointed under subsection two of section six of this Act;

(c) to any officer or employee of whose services the trust makes use pursuant to subsection one of section six of this Act.

15

(2) Any such delegation may be made either generally or for any particular case or class of cases.

20

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the trust or the chairman as the case may be.

25

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

30

(5) The trust may by resolution revoke any delegation made under this section.

35

(b) by inserting at the end of section eight the following new subsection:—

Sec. 8.

(Powers of  
trust.)

40

(3) The trust may, from time to time, upon such conditions as may be determined by it, provide assistance of whatever nature it may think fit to any unemployed person or other person



*Housing (Further Provisions).*

person in necessitous circumstances in connection with the erection, improvement or repair of any building used or intended to be used as a home for such person and his family.

5 (c) by inserting at the end of section nine the following new subsection:—

Sec. 9.  
(Further powers of trust.)

(4) The trust may, from time to time, upon such conditions as may be determined by it, effect such improvements or repairs as it may deem necessary to—

10

(a) any building on land which is vested in or leased by the trust; or

(b) any building on land which has been let, leased or sold by the trust under this section; or

15

(c) any building which has been erected, repaired or improved with materials supplied by the trust or purchased with moneys advanced by the trust under and in accordance with this Act.

20

(2) The Housing of the Unemployed Act, 1934-1936, as amended by this Act, may be cited as the Housing of the Unemployed Act, 1934-1937.

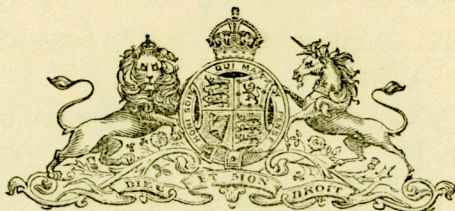
## SCHEDULE.

Sec. 7.

25	Date.	Debtor.	Creditor.	Amount guaranteed.
				£
30	16th Dec., 1936	The Organising Council of the Australian British Empire Games Association.	Commonwealth Bank of Australia, Sydney.	10,000
	29th Sep., 1937	Port Kembla Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	63,000
35	29th Sep., 1937	Port Kembla Brick Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	34,000



# New South Wales.



ANNO SECUNDO

## GEORGII VI REGIS.

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### Act No. 27, 1937.

An Act to make further provisions in relation to housing; to validate certain matters; to amend the Housing Improvement Act, 1936, the Government Guarantees Act, 1934, the Co-operation Act, 1923-1936, the Housing of the Unemployed Act, 1934-1936, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 17th December, 1937.]

**B**E 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 :—

#### PART I.

##### PRELIMINARY.

**1.** (1) This Act may be cited as the "Housing (Further Provisions) Act, 1937." Short title.



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*Housing (Further Provisions).*


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(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

PART III.—AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

PART IV.—AMENDMENT OF CO-OPERATION ACT, 1923-1936.

PART V.—AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT, 1934-1936.

SCHEDULE.

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PART II.

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

Citation.

2. The Housing Improvement Act, 1936, as amended by this Act, may be cited as the Housing Improvement Act, 1936-1937.

Amendment of  
Act No. 59,  
1936.  
New Parts  
VA and VB.

3. (1) The Housing Improvement Act, 1936, is amended by inserting next after Part V the following new Parts:—

PART VA.

ERSKINEVILLE HOUSING SCHEME.

DIVISION 1.—*Construction of certain works.*

Certain work  
sanctioned.

14A. (1) (a) The carrying out on the land described in the First Schedule to this Act of the work referred to in the Second Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c)



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*Housing (Further Provisions).*

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(c) The Housing Improvement Board is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act as so amended and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contract referred to in paragraph (c) of subsection one of this section.

14B. (1) The cost of carrying out so much of the said work as is referred to in Part One of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifty-four thousand pounds. Cost.

(2) The cost of carrying out so much of the said work as is referred to in Part Two of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifteen thousand pounds.

(3) The cost of carrying out so much of the said work as is referred to in Part Three of the Second Schedule to this Act (exclusive of land resumptions) is estimated at five hundred pounds.

(4) The respective estimated costs referred to in this section shall not under any circumstances be exceeded by more than ten per centum.

*DIVISION 2.—Care, control and management of certain works.*

14c. The board shall have the care, control and management of so much of the work referred to in the Care, control and management.



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*Housing (Further Provisions).*

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the Second Schedule to this Act as consists of dwellings and ancillary buildings and works constructed on the portion of land referred to in Part One of that Schedule.

Powers  
of the  
board.

14D. (1) For the purposes of carrying this Division into effect the board may, from time to time and notwithstanding anything contained in any other Act, take such steps, provide such equipment, and carry out such works and operations (including works of maintenance and repair) as may be necessary or as it may think desirable.

(2) Without prejudice to the generality of subsection one of this section the board may let or may, with the approval of the Governor, sell or otherwise dispose of the land or any part thereof upon which any of the works referred to in section 14C of this Act are constructed.

Any such letting may be made at such rent (whether the same is the best rent that can reasonably be obtained or not) and for such term and subject to such covenants and conditions as the board, in its absolute discretion, may from time to time determine.

Park lands.

14E. (1) Upon completion of the works referred to in Part Two of the Second Schedule to this Act, the Governor shall notify in the Gazette that such works are complete.

(2) On the date of the publication in the Gazette of any such notification—

- (a) the land upon which the works referred to in the notification have been carried out shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and
- (b) such land shall be deemed to be dedicated under the said Act as so amended for the purposes of public recreation; and
- (c) the board shall have the care, control and management of such land and shall continue to have such care, control and management until



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*Housing (Further Provisions).*

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until the Governor by proclamation in the Gazette, pursuant to section three hundred and forty-five of the Local Government Act, 1919, as amended by subsequent Acts, charges the council of the area with the care, control and management of such land.

(3) Where the board has the care, control and management of any land pursuant to this section—

- (a) the board shall have and may exercise and discharge, in relation to such land, all or any of the powers, authorities, duties and functions which may be exercised and discharged under the Local Government Act, 1919, as amended by subsequent Acts, by a council in relation to a public reserve, the care, control and management of which is placed in the council under Part XIII of the said Act as so amended;
- (b) the Governor may make regulations in relation to such land prescribing all such matters and things as may be prescribed by ordinance under the Local Government Act, 1919, as amended by subsequent Acts, in relation to a public reserve, the care, control and management of which is placed in a council under Part XIII of the said Act as so amended.

All regulations made under this subsection shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sittings days after such regulations have been



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*Housing (Further Provisions).*

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been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Exemption  
from rates.

14F. Where land is acquired by the board pursuant to this Part of this Act, no rate shall be made or levied under the Local Government Act, 1919, as amended by subsequent Acts, in respect of the land so acquired.

Rights,  
liabilities  
and  
property.

14G. On and from the day upon which that portion of the land described in the First Schedule to this Act which is referred to in Part Three of the Second Schedule to this Act is acquired by the board the following provisions shall have effect:—

- (a) The body corporate known as The Trustees of Erskineville Park shall be and the same is hereby dissolved, and the persons who, immediately before the said day, were the members of such body corporate shall cease to hold office as such.
- (b) All property (other than the land so acquired) and all right and interest therein which, immediately before the said day, is vested in or belongs to The Trustees of Erskineville Park, shall vest in and belong to the board.
- (c) All moneys, liquidated and unliquidated claims which, immediately before the said day, are payable to or recoverable by The Trustees of Erskineville Park, shall be moneys, liquidated and unliquidated claims payable to and recoverable by the board.
- (d) All suits, actions and proceedings pending immediately before the said day at the suit of The Trustees of Erskineville Park, shall be suits, actions and proceedings pending at the suit of the board.
- (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits,  
actions



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*Housing (Further Provisions).*

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actions and proceedings as The Trustees of Erskineville Park might have done but for this Act.

- (f) The board may enforce and realise any security or charge existing immediately before the said day in favour of The Trustees of Erskineville Park in respect of any such moneys and claims as if such security or charge were existing in favour of the board.
- (g) All debts due and moneys payable by and all claims, liquidated and unliquidated, recoverable against The Trustees of Erskineville Park shall be debts due and moneys payable by and claims recoverable against the board:

Provided that the liability of the board in respect of such debts, moneys and claims shall be limited to the amount of the assets of The Trustees of Erskineville Park which are vested in or recovered by the board under this section.

PART VB.

FINANCE.

14H. (1) There shall be constituted an account in Special Deposits Account to be called the "Housing Improvement Account." Housing Improvement Account.

(2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

14I. (1) There shall be paid to the credit of the account— Assets of account

- (a) all moneys advanced to the board by the Colonial Treasurer or provided by Parliament for the purposes of the board;
- (b) all moneys received by the board from any other source.

(2)



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*Housing (Further Provisions).*


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Application  
of account.

(2) The account may be applied to any of the following purposes:—

- (a) the administrative expenses of the board;
- (b) the costs and expenses incurred in carrying out any of the powers, authorities, duties and functions conferred and imposed on the board by or under this Act;
- (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

Accounts.

14J. The board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the board.

Audit.

14K. The accounts of the board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the board, the members of the board and the officers and employees of the board in the same manner as it applies to accounting officers of public departments.

Further  
amendment  
of Act No.  
59, 1933.  
New  
Schedules.

(2) The Housing Improvement Act, 1936, is further amended by inserting after section sixteen the following new Schedules:—

FIRST SCHEDULE.

All that piece or parcel of land known as Erskineville Park, parishes of Alexandria and Petersham, county of Cumberland, bounded by Mitchell-road, Ashmore-street, Binning-street, Swanson-street and Copeland-street.

SECOND



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*Housing (Further Provisions).*


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## SECOND SCHEDULE.

The works respectively referred to in Part One, Part Two and Part Three of this Schedule are subject to such modifications as may be considered desirable by the Board.

## PART ONE.

The construction upon the north-western portion (comprising approximately four acres) of the land described in the First Schedule to this Act, of fifty-six dwellings (including the provision of equipment therefor) and of ancillary buildings and works.

## PART TWO.

The construction upon the eastern portion (comprising approximately eleven and one-half acres) of the land described in the First Schedule to this Act, of such works (including the provision of a sports ground) as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

## PART THREE.

The construction upon that portion (comprising approximately seven acres) of the land described in the First Schedule to this Act which is not comprised in the portions referred to in Part One and Part Two of this Schedule of such works as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

(3) The Housing Improvement Act, 1936, is further amended—

- (a) by inserting in section two next after the matter relating to Part V the following words and symbols:—

Further  
amendment  
of Act No.  
59, 1936.  
Sec. 2.  
(Division  
into Parts.)

## PART VA—ERSKINEVILLE HOUSING SCHEME.

## PART VB—FINANCE.

- (b) by inserting at the end of the same section the word—

## “SCHEDULES.”

(4) The Housing Improvement Act, 1936, is further amended—

- (a) by omitting from paragraph (a) of subsection six of section five the words “to any member”;

Further  
amendment  
of Act No.  
59, 1936.  
Sec. 5.  
(Powers  
of board.)

(b)



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*Housing (Further Provisions).*


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- (b) by inserting at the end of the same paragraph the words—
- (i) to a member; or
  - (ii) to the secretary or any other officer appointed under subsection one of section eight of this Act; or
  - (iii) to any officer, servant or employee of whose services the board makes use pursuant to subsection four of section eight of this Act.
- (c) by omitting from paragraph (b) of the same subsection the words “A member” and by inserting in lieu thereof the words “Any person.”

Amendment  
of Act No.  
30, 1902.  
Sec. 58.  
(Closing  
orders.)

4. (1) The Public Health Act, 1902-1932, is amended—

- (a) (i) by omitting from subsection one of section fifty-eight the words “that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may” and by inserting in lieu thereof the words “or to the Board that any house or other building within the area of the local authority is unfit or unsafe for human habitation or occupation or has become ruinous and dangerous (that is to say ruinous to such an extent that the continuance of such house or building is dangerous to the public or to the inhabitants of the neighbouring dwelling-houses) such local authority or the Board shall”;
- (ii) by inserting in the same subsection after the words “is not fit for human habitation or occupation” the words “or is in a ruinous and dangerous condition”;
- (iii) by inserting in the same subsection after the words “so as to render it fit for human habitation or occupation” the words “or eliminate the ruinous and dangerous condition (as the case may be)”;

(iv)



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*Housing (Further Provisions).*

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- (iv) by omitting from the same subsection after the word "order" the word "may" and by inserting in lieu thereof the word "shall";
  - (b) (i) by inserting in subsection one of section sixty-one after the word "dwelling-houses" the words "or (as the case may be) that the ruinous and dangerous condition has not been eliminated and that the necessary steps are not being taken to eliminate such condition"; Sec. 61.  
(Demolition orders.)
  - (ii) by inserting in subsection three of the same section after the word "occupation" the words "or (as the case may be) the works necessary to eliminate the ruinous and dangerous condition of the house or building";
  - (iii) by omitting from subsection one of section sixty-three the word "section" and by inserting in lieu thereof the words "sections fifty-eight or".
- (2) The Public Health Act, 1902-1932, as amended by this Act, may be cited as the Public Health Act, 1902-1937. Citation.

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PART III.

AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

**5.** The Government Guarantees Act, 1934, as amended by this Act, may be cited as the Government Guarantees Act, 1934-1937. Citation.

**6.** (1) The Government Guarantees Act, 1934, is amended— Amendment of Act No. 57, 1934.

- (a) (i) by inserting in subsection two of section three after the word "bank" where firstly occurring the words "or of any society registered under the Friendly Societies Act, 1912-1935 (in this Act referred to as 'friendly society') or of any other body of persons, corporate or unincorporate, approved by the Minister (in this Act referred to as 'approved body')"; Sec. 3.  
(Authority to Treasurer to give guarantees.)

(ii)



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*Housing (Further Provisions).*


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(ii) by omitting from the same subsection the words "to be made by the bank—" and by inserting in lieu thereof the words "made or to be made by the bank, friendly society or approved body, as the case may be,—"

(iii) by inserting at the end of the same section the following new subsection:—

(6) Any guarantee executed by the Colonial Treasurer under this Act may be made by way of increase of the amount of the Colonial Treasurer's liability as stated in a previous guarantee given under this Act, and may be made upon such terms and conditions as are prescribed or as the Colonial Treasurer may determine.

The enactment of this subsection shall not affect subsections one, two and three of this section.

Sec. 4.  
(Provisions  
relating to  
guarantees.)

(b) (i) by inserting in section four after the word "bank" wherever occurring the words "friendly society or approved body as the case may be";

(ii) by inserting in paragraph (d) of the same section after the word "hold" the words "or retain and hold";

(iii) by inserting in paragraph (e) of the same section after the words "marketing board or a society" the words "(other than a building society)";

(iv) by inserting at the end of the same paragraph the words "or where the principal debtor is a building society within the meaning of the said Act unless the bank, friendly society or approved body, as the case may be, shall, under the provisions of the securities executed by the building society in favour of the bank, friendly society or approved body as the case may be, or of any of such securities, have become entitled to appoint a receiver of the undertaking and assets of the building society."



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*Housing (Further Provisions).*

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(2) The amendments made by subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four, and shall apply to all guarantees executed on or after that date notwithstanding anything therein contained.

(3) The Government Guarantees Act, 1934, is further amended—

Further amendment of Act No. 57, 1934. Sec. 3. (Authority to Treasurer to give guarantees.)

- (a) by omitting from subsection two of section three the figures "1923-1932" and by inserting in lieu thereof the following figures and new proviso:—

"1923-1937:

Provided that where any such guarantee is for the repayment of any advance made to a building society within the meaning of the Co-operation Act, 1923-1937, it shall not be executed except upon the recommendation of the Co-operative Building Advisory Committee constituted under that Act;"

- (b) by inserting at the end of the same section the following new subsection:—

(7) The approval of the Governor to the execution of any guarantee under this section shall be conclusive evidence that the guarantee has not been entered into in contravention of this section.

**7.** (1) The action of the Governor and Executive Council in authorising the giving and of the Colonial Treasurer in giving the guarantees set out in the Schedule to this Act is hereby validated. Validation.

(2) No guarantee so given shall be held to be void merely on the ground that the person by whom such guarantee was so given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

(3)



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*Housing (Further Provisions).*


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Further  
amendment of  
Act No. 57, 1934;

(3) The Government Guarantees Act, 1934, is further amended—

Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)

(a) by inserting in section three after the words “validated by this Act” wherever occurring the words “or by the Housing (Further Provisions) Act, 1937”;

Sec. 4.  
(Provisions  
relating to  
guarantees.)

(b) by inserting in section four after the words “validated by this Act” the words “or by the Housing (Further Provisions) Act, 1937”;

Sec. 5.  
(Contingent  
appropriation.)

(c) by inserting in section five after the words “by this Act” the words “or validated by the Housing (Further Provisions) Act, 1937.”

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PART IV.

AMENDMENT OF CO-OPERATION ACT, 1923-1936.

Citation.

8. The Co-operation Act, 1923-1936, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1937.

Amendment  
of Act No. 1,  
1924.

9. The Co-operation Act, 1923-1936, as amended by subsequent Acts, is amended—

Sec. 17A.  
(Under-  
takings by  
Treasurer.)

(a) by omitting paragraph (c) of subsection one of section 17A and by inserting in lieu thereof the following paragraph:—

(c) the amount proposed to be lent reduced by the value of the share capital of the member or by the sum of one hundred pounds whichever is the smaller sum does not exceed nine hundred pounds; and

(b) by inserting at the end of the same subsection the following words and new subsection:—

The instrument evidencing any agreement entered into under this section may be signed by the Colonial Treasurer or for and on behalf of the Colonial Treasurer by any other Minister of the Crown.

(1A)



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*Housing (Further Provisions).*


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(1A) The value of the share capital of a member of any society shall, for the purposes of this section, be calculated in such manner as the Co-operative Building Advisory Committee constituted under this Act may direct.

Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect.

- (c) by inserting in subsection two of the same section after the words "the Governor to" the words "enter into";
- (d) by inserting in subsection four of the same section after the words "the Governor to" the words "enter into";
- (e) by omitting from the same subsection the word "subsection" and by inserting in lieu thereof the word "section".

**10.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 1, 1924.

- (a) by omitting from paragraph (d) of subsection one of section 17A the words "paid up value of the members share capital" and by inserting in lieu thereof the words "value of the share capital of the member";
- (b) by omitting from the same subsection the words "paid up value of the member's share capital is in excess of" and by inserting in lieu thereof the words "value of the share capital of the member exceeded";
- (c) by inserting at the end of the same subsection the following new paragraph:—

Sec. 17A.

(Under-takings by Treasurer.)

Any such agreement shall operate and have effect until the registrar certifies to the Governor that the amount owing to the society by the member in respect of the loan to which the agreement relates, reduced by the value of the share capital of the member is not more than



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*Housing (Further Provisions).*


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than sixty-six and two-thirds per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (d) of this subsection.

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the second day of February, one thousand nine hundred and thirty-seven, and shall apply to all agreements entered into on or after that date notwithstanding anything therein contained; and the obligations of the Colonial Treasurer under any such agreement shall be varied accordingly; but no such variation shall operate to increase the limit of the amount of the Colonial Treasurer's liability as stated in the agreement.

Further  
amendment of  
Act No. 1, 1921.

**11.** The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

New sec.  
84A.

(a) by inserting next after section eighty-four the following new section:—

84A. (1) This section shall apply to and in respect of—

Power to  
appoint  
director  
of certain  
societies.

(a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and

(b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.



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*Housing (Further Provisions).*

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(2) The Governor may, from time to time, by notification published in the Gazette, appoint a person to be a director of any building society to which this section applies.

(3) The provisions of this Act (other than this section) and of the rules of the building society relating to the qualification, disqualification, remuneration, removal from office and term of office of directors and to the vacation of office by directors shall not apply to and in respect of a director appointed under this section.

(4) A director appointed under this section shall hold office as an additional director and shall not be counted in ascertaining the number of directors for the election of whom provision is made in the rules of the society.

(5) Subject to subsection three of this section a director appointed under this section shall have all the powers, rights, authorities, functions, privileges, immunities, duties, obligations and liabilities of a director elected in accordance with the rules of the society.

(6) A director appointed under this section shall, unless he is an officer of the Public Service or a member of the Legislative Council or of the Legislative Assembly of New South Wales, be paid such fees as may be prescribed by regulation.

(b) by inserting next after section eighty-eight the following new sections:—

New secs.  
88A, 88B.

88A. A director or other officer of a building society shall not, except where specifically authorised by a special resolution of the society—

Certain  
dealings  
prohibited.

(a) sell any land to or act as agent for the sale of any land to a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society: or

(b)



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*Housing (Further Provisions).*


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- (b) undertake the erection of any building for a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or
- (c) accept as payment in whole or in part of any moneys due to him by a member of the society the whole or part of any advance made by the society to such member.

88B. (1) This section shall apply to and in respect of—

- (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and
- (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.

(2) The Minister may appoint a person to hold an inquiry and to report to the co-operative building advisory committee with respect to—

- (a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a building society to which this section applies; or

(b)

Power to  
dismiss  
Director or  
secretary  
of certain  
societies  
after  
inquiry.



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*Housing (Further Provisions).*

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(b) any act or omission of any director or secretary of a building society to which this section applies—such act or omission having relation to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on the building society or to the office or position held by the director or secretary or to the powers or duties of that office or position.

(3) For the purposes of any such inquiry the person holding the inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and shall be deemed to be a sole commissioner within the meaning of that Division.

The provisions of the Royal Commissions Acts, 1923-1934, with the exception of section thirteen and of Division 2 of Part II, shall, *mutatis mutandis*, apply to the inquiry and to any witness or person summoned by or appearing before the person holding the inquiry.

(4) The co-operative building advisory committee may, after consideration of the report of the person holding an inquiry under this section, direct that the office or position in a building society of the director or secretary to whom the report relates shall be vacated, and that such director shall not be eligible to hold office as a director of or (as the case may require) that such secretary shall not be eligible for appointment or employment as the secretary of that building society.

The office or position shall be deemed to have become vacant as from the date upon which notices, addressed to the director or secretary to whom the same relates and to the society of which he is a director or the secretary, as the

case



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*Housing (Further Provisions).*


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case may be, and signed by the chairman and executive member of the Co-operative Building Advisory Committee, of the direction of that committee, are delivered at or posted to the registered office of the building society.

(5) Every director or secretary of a building society to which this section applies shall, whether he was elected or appointed to such office or position before, or is so elected or appointed after, the commencement of the Housing (Further Provisions) Act, 1937, hold his office or position subject to the provisions of this section.

Further  
amendment of  
Act No. 1, 1924.

**12.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Sec. 47.  
(Shares.)

(a) by inserting at the end of subsection ten of section forty-seven the following proviso:—

Provided that where a society has made a loan to a member and the number of shares held by such member has exceeded, or at any time exceeds, the number permitted by or under this subsection, such member shall, until the amount lent to him has been repaid to the society with interest thereon, be liable to make to the society the payments which he would be liable to make if all such shares were lawfully held by him and no security for the repayment of such loan taken by the society shall be affected by any contravention of this subsection.

Sec. 65.  
(Borrowing  
powers.)

(b) (i) by omitting subsection one of section sixty-five and by inserting in lieu thereof the following subsection:—

(1) (a) Where a society is authorised by its rules to raise money on loan the society may raise the money in such manner as the society may think fit, and in particular by legal or equitable mortgage charged upon the undertaking of the society or upon all

or



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*Housing (Further Provisions).*


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or any part of the property and rights (both present and future) of the society, including its uncalled or unpaid capital, subscriptions, loan payments and other moneys, or by the issue of bonds.

(b) A society shall not be deemed to be authorised to receive money on deposit unless, by its rules, it is expressly authorised to receive money on deposit.

- (ii) by inserting in subsection two of the same section after the word "financial" the word "or";
- (c) (i) by inserting in subsection three of section Sec. 66.  
sixty-six after the word "bank" the words (Loans and deposits.)  
"or any society registered under the Friendly Societies Act, 1912-1935";
- (ii) by omitting from subsection (7A) of the same section the words "during such period" and by inserting in lieu thereof the words "or if all deposits received have been repaid at the time of the loan";
- (iii) by inserting at the end of subsection (7B) of the same section the following paragraph:—  
For the purposes of this subsection a bond shall not include any instrument which makes any property liable, whether specifically or otherwise, to any bank or any society registered under the Friendly Societies Act, 1912-1935, or any financial or trading corporation, or liable specifically to any other person as security for money raised on loan or received on deposit.
- (iv) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

(12) No member or other person lending money to or depositing money with a society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that such society, in  
borrowing



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*Housing (Further Provisions).*


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borrowing such money or receiving such deposit, has contravened the provisions of this or any other section of this Act or the rules of the society.

Sec. 80.  
(Special  
resolution.)

- (d) by inserting at the end of section eighty the following new subsection:—

(4) A certificate of registration of any special resolution or of any alteration of the rules of a society given by the registrar shall, in favour of any person advancing money to the society on the faith of such certificate, or in favour of any guarantor of any such advance, be conclusive evidence that such resolution was duly passed or such alteration in the rules was duly made as the case may be.

Sec. 113.  
(Civil  
remedies.)

- (e) (i) by inserting in section one hundred and thirteen after the words “of this Act” where firstly occurring the words “or any rule of the society”;
- (ii) by inserting in the same section after the words “of this Act” where secondly occurring the words “or of the rules of the society.”

(2) Subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four.

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PART V.

AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT,  
1934-1936.

Commence-  
ment of  
Part V.

**13.** This Part of this Act shall be deemed to have commenced on the twenty-ninth day of June, one thousand nine hundred and thirty-four.

**14.**



*Housing (Further Provisions).*

**14.** (1) The Housing of the Unemployed Act, 1934-1936, is amended—

Amendment  
of Act No.  
4, 1934.

- (a) by inserting next after section six the following new section:—

New sec. 6A.

6A. (1) The trust may, from time to time by resolution, delegate such of the powers, authorities, duties or functions of the trust or of the chairman as are specified in the resolution—

Delegation.

- (a) to any member of the trust;
- (b) to any officer appointed under subsection two of section six of this Act;
- (c) to any officer or employee of whose services the trust makes use pursuant to subsection one of section six of this Act.

(2) Any such delegation may be made either generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the trust or the chairman as the case may be.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The trust may by resolution revoke any delegation made under this section.

- (b) by inserting at the end of section eight the following new subsection:—

Sec. 8.

(Powers of trust.)

(3) The trust may, from time to time, upon such conditions as may be determined by it, provide assistance of whatever nature it may think fit to any unemployed person or other person



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*Housing (Further Provisions).*


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Sec. 9.  
(Further  
powers of  
trust.)

person in necessitous circumstances in connection with the erection, improvement or repair of any building used or intended to be used as a home for such person and his family.

(c) by inserting at the end of section nine the following new subsection:—

(4) The trust may, from time to time, upon such conditions as may be determined by it, effect such improvements or repairs as it may deem necessary to—

(a) any building on land which is vested in or leased by the trust; or

(b) any building on land which has been let, leased or sold by the trust under this section; or

(c) any building which has been erected, repaired or improved with materials supplied by the trust or purchased with moneys advanced by the trust under and in accordance with this Act.

(2) The Housing of the Unemployed Act, 1934-1936, as amended by this Act, may be cited as the Housing of the Unemployed Act, 1934-1937.

Sec. 7.

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SCHEDULE.

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Date.	Debtor.	Creditor.	Amount guaranteed.
			£
16th Dec., 1936	The Organising Council of the Australian British Empire Games Association.	Commonwealth Bank of Australia, Sydney.	10,000
29th Sep., 1937	Port Kembla Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	63,000
29th Sep., 1937	Port Kembla Brick Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	34,000

By Authority:

DAVID HAROLD PAISLEY, Government Printer, Sydney, 1938.

[9d.]



*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. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 17 December, 1937.*

## New South Wales.



ANNO SECUNDO

## GEORGII VI REGIS.

\*\*\*\*\*

### Act No. 27, 1937.

An Act to make further provisions in relation to housing; to validate certain matters; to amend the Housing Improvement Act, 1936, the Government Guarantees Act, 1934, the Co-operation Act, 1923-1936, the Housing of the Unemployed Act, 1934-1936, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 17th December, 1937.]

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 :—

#### PART I.

##### PRELIMINARY.

1. (1) This Act may be cited as the "Housing Short title." (Further Provisions) Act, 1937."

(2)

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

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*



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*Housing (Further Provisions).*


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(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

PART III.—AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

PART IV.—AMENDMENT OF CO-OPERATION ACT, 1923-1936.

PART V.—AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT, 1934-1936.

SCHEDULE.

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PART II.

AMENDMENT OF HOUSING IMPROVEMENT ACT, 1936, AND CERTAIN OTHER ACTS.

Citation.

2. The Housing Improvement Act, 1936, as amended by this Act, may be cited as the Housing Improvement Act, 1936-1937.

Amendment of  
Act No. 59,  
1936.  
New Parts  
VA and VB.

3. (1) The Housing Improvement Act, 1936, is amended by inserting next after Part V the following new Parts:—

PART VA.

ERSKINEVILLE HOUSING SCHEME.

DIVISION 1.—*Construction of certain works.*

Certain work  
sanctioned,

14A. (1) (a) The carrying out on the land described in the First Schedule to this Act of the work referred to in the Second Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c)



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*Housing (Further Provisions).*

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(c) The Housing Improvement Board is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act as so amended and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contract referred to in paragraph (c) of subsection one of this section.

14B. (1) The cost of carrying out so much of the said work as is referred to in Part One of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifty-four thousand pounds. Cost.

(2) The cost of carrying out so much of the said work as is referred to in Part Two of the Second Schedule to this Act (exclusive of land resumptions) is estimated at fifteen thousand pounds.

(3) The cost of carrying out so much of the said work as is referred to in Part Three of the Second Schedule to this Act (exclusive of land resumptions) is estimated at five hundred pounds.

(4) The respective estimated costs referred to in this section shall not under any circumstances be exceeded by more than ten per centum.

DIVISION 2.—*Care, control and management of certain works.*

14c. The board shall have the care, control and management of so much of the work referred to in the

Care,  
control and  
manage-  
ment.



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*Housing (Further Provisions).*

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the Second Schedule to this Act as consists of dwellings and ancillary buildings and works constructed on the portion of land referred to in Part One of that Schedule.

Powers  
of the  
board.

14b. (1) For the purposes of carrying this Division into effect the board may, from time to time and notwithstanding anything contained in any other Act, take such steps, provide such equipment, and carry out such works and operations (including works of maintenance and repair) as may be necessary or as it may think desirable.

(2) Without prejudice to the generality of subsection one of this section the board may let or may, with the approval of the Governor, sell or otherwise dispose of the land or any part thereof upon which any of the works referred to in section 14c of this Act are constructed.

Any such letting may be made at such rent (whether the same is the best rent that can reasonably be obtained or not) and for such term and subject to such covenants and conditions as the board, in its absolute discretion, may from time to time determine.

Park lands.

14E. (1) Upon completion of the works referred to in Part Two of the Second Schedule to this Act, the Governor shall notify in the Gazette that such works are complete.

(2) On the date of the publication in the Gazette of any such notification—

- (a) the land upon which the works referred to in the notification have been carried out shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and
- (b) such land shall be deemed to be dedicated under the said Act as so amended for the purposes of public recreation; and
- (c) the board shall have the care, control and management of such land and shall continue to have such care, control and management until



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*Housing (Further Provisions).*

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until the Governor by proclamation in the Gazette, pursuant to section three hundred and forty-five of the Local Government Act, 1919, as amended by subsequent Acts, charges the council of the area with the care, control and management of such land.

(3) Where the board has the care, control and management of any land pursuant to this section—

- (a) the board shall have and may exercise and discharge, in relation to such land, all or any of the powers, authorities, duties and functions which may be exercised and discharged under the Local Government Act, 1919, as amended by subsequent Acts, by a council in relation to a public reserve, the care, control and management of which is placed in the council under Part XIII of the said Act as so amended;
- (b) the Governor may make regulations in relation to such land prescribing all such matters and things as may be prescribed by ordinance under the Local Government Act, 1919, as amended by subsequent Acts, in relation to a public reserve, the care, control and management of which is placed in a council under Part XIII of the said Act as so amended.

All regulations made under this subsection shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sittings days after such regulations have been



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*Housing (Further Provisions).*

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been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Exemption  
from rates.

14F. Where land is acquired by the board pursuant to this Part of this Act, no rate shall be made or levied under the Local Government Act, 1919, as amended by subsequent Acts, in respect of the land so acquired.

Rights,  
liabilities  
and  
property.

14G. On and from the day upon which that portion of the land described in the First Schedule to this Act which is referred to in Part Three of the Second Schedule to this Act is acquired by the board the following provisions shall have effect:—

- (a) The body corporate known as The Trustees of Erskineville Park shall be and the same is hereby dissolved, and the persons who, immediately before the said day, were the members of such body corporate shall cease to hold office as such.
- (b) All property (other than the land so acquired) and all right and interest therein which, immediately before the said day, is vested in or belongs to The Trustees of Erskineville Park, shall vest in and belong to the board.
- (c) All moneys, liquidated and unliquidated claims which, immediately before the said day, are payable to or recoverable by The Trustees of Erskineville Park, shall be moneys, liquidated and unliquidated claims payable to and recoverable by the board.
- (d) All suits, actions and proceedings pending immediately before the said day at the suit of The Trustees of Erskineville Park, shall be suits, actions and proceedings pending at the suit of the board.
- (e) The board may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits,  
**actions**



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*Housing (Further Provisions).*

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actions and proceedings as The Trustees of Erskineville Park might have done but for this Act.

- (f) The board may enforce and realise any security or charge existing immediately before the said day in favour of The Trustees of Erskineville Park in respect of any such moneys and claims as if such security or charge were existing in favour of the board.
- (g) All debts due and moneys payable by and all claims, liquidated and unliquidated, recoverable against The Trustees of Erskineville Park shall be debts due and moneys payable by and claims recoverable against the board:

Provided that the liability of the board in respect of such debts, moneys and claims shall be limited to the amount of the assets of The Trustees of Erskineville Park which are vested in or recovered by the board under this section.

PART VB.

FINANCE.

14H. (1) There shall be constituted an account in Special Deposits Account to be called the "Housing Improvement Account." Housing Improvement Account.

(2) The account shall be applied for the purpose of the administration and execution of this Act and for no other purpose whatsoever.

14I. (1) There shall be paid to the credit of the account— Assets of account.

- (a) all moneys advanced to the board by the Colonial Treasurer or provided by Parliament for the purposes of the board;
- (b) all moneys received by the board from any other source.

(2)



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*Housing (Further Provisions).*

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Application  
of account.

(2) The account may be applied to any of the following purposes:—

- (a) the administrative expenses of the board;
- (b) the costs and expenses incurred in carrying out any of the powers, authorities, duties and functions conferred and imposed on the board by or under this Act;
- (c) any purpose directed or authorised by or under this Act for the application of the account.

(3) The account shall be operated on in the manner prescribed.

Accounts.

14J. The board shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the board.

Audit.

14K. The accounts of the board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the board, the members of the board and the officers and employees of the board in the same manner as it applies to accounting officers of public departments.

Further  
amendment  
of Act No.  
59, 1936.  
New  
Schedules.

(2) The Housing Improvement Act, 1936, is further amended by inserting after section sixteen the following new Schedules:—

## FIRST SCHEDULE.

All that piece or parcel of land known as Erskineville Park, parishes of Alexandria and Petersham, county of Cumberland, bounded by Mitchell-road, Ashmore-street, Binning-street, Swanson-street and Copeland-street.

## SECOND



*Housing (Further Provisions).*

SECOND SCHEDULE.

The works respectively referred to in Part One, Part Two and Part Three of this Schedule are subject to such modifications as may be considered desirable by the Board.

PART ONE.

The construction upon the north-western portion (comprising approximately four acres) of the land described in the First Schedule to this Act, of fifty-six dwellings (including the provision of equipment therefor) and of ancillary buildings and works.

PART TWO.

The construction upon the eastern portion (comprising approximately eleven and one-half acres) of the land described in the First Schedule to this Act, of such works (including the provision of a sports ground) as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

PART THREE.

The construction upon that portion (comprising approximately seven acres) of the land described in the First Schedule to this Act which is not comprised in the portions referred to in Part One and Part Two of this Schedule of such works as may be necessary to render that portion suitable for use by the public for purposes of public recreation, convenience, health or enjoyment.

- (3) The Housing Improvement Act, 1936, is further amended—
- (a) by inserting in section two next after the matter relating to Part V the following words and symbols:—
- Further amendment of Act No. 59, 1936.  
Sec. 2.  
(Division into Parts.)

PART VA—ERSKINEVILLE HOUSING SCHEME.

PART VB—FINANCE.

- (b) by inserting at the end of the same section the word—

“SCHEDULES.”

- (4) The Housing Improvement Act, 1936, is further amended—
- (a) by omitting from paragraph (a) of subsection six of section five the words “to any member”;
- Further amendment of Act No. 59, 1936.  
Sec. 5.  
(Powers of board.)
- (b)



*Housing (Further Provisions).*

(b) by inserting at the end of the same paragraph the words—

- (i) to a member; or
- (ii) to the secretary or any other officer appointed under subsection one of section eight of this Act; or
- (iii) to any officer, servant or employee of whose services the board makes use pursuant to subsection four of section eight of this Act.

(c) by omitting from paragraph (b) of the same subsection the words "A member" and by inserting in lieu thereof the words "Any person."

Amendment  
of Act No.  
30, 1902.

Sec. 58.

(Closing  
orders.)

4. (1) The Public Health Act, 1902-1932, is amended—

- (a) (i) by omitting from subsection one of section fifty-eight the words "that any house or other building within its area is unfit or unsafe for human habitation or occupation, such local authority may" and by inserting in lieu thereof the words "or to the Board that any house or other building within the area of the local authority is unfit or unsafe for human habitation or occupation or has become ruinous and dangerous (that is to say ruinous to such an extent that the continuance of such house or building is dangerous to the public or to the inhabitants of the neighbouring dwelling-houses) such local authority or the Board shall";
- (ii) by inserting in the same subsection after the words "is not fit for human habitation or occupation" the words "or is in a ruinous and dangerous condition";
- (iii) by inserting in the same subsection after the words "so as to render it fit for human habitation or occupation" the words "or eliminate the ruinous and dangerous condition (as the case may be)";

(iv)



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*Housing (Further Provisions).*

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- (iv) by omitting from the same subsection after the word "order" the word "may" and by inserting in lieu thereof the word "shall";
  - (b) (i) by inserting in subsection one of section sixty-one after the word "dwelling-houses" the words "or (as the case may be) that the ruinous and dangerous condition has not been eliminated and that the necessary steps are not being taken to eliminate such condition"; Sec. 61.  
(Demolition orders.)
  - (ii) by inserting in subsection three of the same section after the word "occupation" the words "or (as the case may be) the works necessary to eliminate the ruinous and dangerous condition of the house or building";
  - (iii) by omitting from subsection one of section sixty-three the word "section" and by inserting in lieu thereof the words "sections fifty-eight or";
- (2) The Public Health Act, 1902-1932, as amended by this Act, may be cited as the Public Health Act, 1902-1937. Citation.

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PART III.

AMENDMENT OF GOVERNMENT GUARANTEES ACT, 1934.

**5.** The Government Guarantees Act, 1934, as amended by this Act, may be cited as the Government Guarantees Act, 1934-1937. Citation.

**6.** (1) The Government Guarantees Act, 1934, is amended— Amendment of Act No. 57, 1934.

- (a) (i) by inserting in subsection two of section three after the word "bank" where firstly occurring the words "or of any society registered under the Friendly Societies Act, 1912-1935 (in this Act referred to as 'friendly society') or of any other body of persons, corporate or unincorporate, approved by the Minister (in this Act referred to as 'approved body')"; Sec. 3.  
(Authority to Treasurer to give guarantees.)

(ii)



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*Housing (Further Provisions).*

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(ii) by omitting from the same subsection the words "to be made by the bank—" and by inserting in lieu thereof the words "made or to be made by the bank, friendly society or approved body, as the case may be,—"

(iii) by inserting at the end of the same section the following new subsection:—

(6) Any guarantee executed by the Colonial Treasurer under this Act may be made by way of increase of the amount of the Colonial Treasurer's liability as stated in a previous guarantee given under this Act, and may be made upon such terms and conditions as are prescribed or as the Colonial Treasurer may determine.

The enactment of this subsection shall not affect subsections one, two and three of this section.

Sec. 4.  
(Provisions  
relating to  
guarantees.)

- (b) (i) by inserting in section four after the word "bank" wherever occurring the words "friendly society or approved body as the case may be";
- (ii) by inserting in paragraph (d) of the same section after the word "hold" the words "or retain and hold";
- (iii) by inserting in paragraph (e) of the same section after the words "marketing board or a society" the words "(other than a building society)";
- (iv) by inserting at the end of the same paragraph the words "or where the principal debtor is a building society within the meaning of the said Act unless the bank, friendly society or approved body, as the case may be, shall, under the provisions of the securities executed by the building society in favour of the bank, friendly society or approved body as the case may be, or of any of such securities, have become entitled to appoint a receiver of the undertaking and assets of the building society."

(2)



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*Housing (Further Provisions).*

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(2) The amendments made by subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four, and shall apply to all guarantees executed on or after that date notwithstanding anything therein contained.

(3) The Government Guarantees Act, 1934, is further amended—

(a) by omitting from subsection two of section three the figures “1923-1932” and by inserting in lieu thereof the following figures and new proviso:—

Further amendment of Act No. 57, 1934. Sec. 3. (Authority to Treasurer to give guarantees.)

“1923-1937:

Provided that where any such guarantee is for the repayment of any advance made to a building society within the meaning of the Co-operation Act, 1923-1937, it shall not be executed except upon the recommendation of the Co-operative Building Advisory Committee constituted under that Act;”

(b) by inserting at the end of the same section the following new subsection:—

(7) The approval of the Governor to the execution of any guarantee under this section shall be conclusive evidence that the guarantee has not been entered into in contravention of this section.

**7.** (1) The action of the Governor and Executive Council in authorising the giving and of the Colonial Treasurer in giving the guarantees set out in the Schedule to this Act is hereby validated.

(2) No guarantee so given shall be held to be void merely on the ground that the person by whom such guarantee was so given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

(3)



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*Housing (Further Provisions).*


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Further  
amendment of  
Act No. 57, 1934.

(3) The Government Guarantees Act, 1934, is further amended—

Sec. 3.  
(Authority  
to Treasurer  
to give  
guarantees.)

(a) by inserting in section three after the words “validated by this Act” wherever occurring the words “or by the Housing (Further Provisions) Act, 1937”;

Sec. 4.  
(Provisions  
relating to  
guarantees.)

(b) by inserting in section four after the words “validated by this Act” the words “or by the Housing (Further Provisions) Act, 1937”;

Sec. 5.  
(Contingent  
appropriation.)

(c) by inserting in section five after the words “by this Act” the words “or validated by the Housing (Further Provisions) Act, 1937.”

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PART IV.

AMENDMENT OF CO-OPERATION ACT, 1923-1936.

Citation.

8. The Co-operation Act, 1923-1936, as amended by subsequent Acts and by this Act, may be cited as the Co-operation Act, 1923-1937.

Amendment  
of Act No. 1,  
1924.

9. The Co-operation Act, 1923-1936, as amended by subsequent Acts, is amended—

Sec. 17A.  
(Under-  
takings by  
Treasurer.)

(a) by omitting paragraph (c) of subsection one of section 17A and by inserting in lieu thereof the following paragraph:—

(c) the amount proposed to be lent reduced by the value of the share capital of the member or by the sum of one hundred pounds whichever is the smaller sum does not exceed nine hundred pounds; and

(b) by inserting at the end of the same subsection the following words and new subsection:—

The instrument evidencing any agreement entered into under this section may be signed by the Colonial Treasurer or for and on behalf of the Colonial Treasurer by any other Minister of the Crown.

(1A)



*Housing (Further Provisions).*

(1A) The value of the share capital of a member of any society shall, for the purposes of this section, be calculated in such manner as the Co-operative Building Advisory Committee constituted under this Act may direct.

Any such direction shall be given in relation to the society specified in the direction and shall not be altered while any agreement with that society under this section has effect.

- (c) by inserting in subsection two of the same section after the words "the Governor to" the words "enter into";
- (d) by inserting in subsection four of the same section after the words "the Governor to" the words "enter into";
- (e) by omitting from the same subsection the word "subsection" and by inserting in lieu thereof the word "section".

**10.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Further  
amendment of  
Act No. 1, 1924.

- (a) by omitting from paragraph (d) of subsection one of section 17A the words "paid up value of the members share capital" and by inserting in lieu thereof the words "value of the share capital of the member";
- (b) by omitting from the same subsection the words "paid up value of the member's share capital is in excess of" and by inserting in lieu thereof the words "value of the share capital of the member exceeded";
- (c) by inserting at the end of the same subsection the following new paragraph:—

Sec. 17A.  
(Under-  
takings by  
Treasurer.)

Any such agreement shall operate and have effect until the registrar certifies to the Governor that the amount owing to the society by the member in respect of the loan to which the agreement relates, reduced by the value of the share capital of the member is not more than



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*Housing (Further Provisions).*


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than sixty-six and two-thirds per centum of the value of the land and dwelling-house as ascertained in accordance with paragraph (d) of this subsection.

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the second day of February, one thousand nine hundred and thirty-seven, and shall apply to all agreements entered into on or after that date notwithstanding anything therein contained; and the obligations of the Colonial Treasurer under any such agreement shall be varied accordingly; but no such variation shall operate to increase the limit of the amount of the Colonial Treasurer's liability as stated in the agreement.

Further  
amendment of  
Act No. 1, 1924.

**11.** The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

New sec.  
84A.

(a) by inserting next after section eighty-four the following new section:—

84A. (1) This section shall apply to and in respect of—

Power to  
appoint  
director  
of certain  
societies.

(a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and

(b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.

(2)



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*Housing (Further Provisions).*

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(2) The Governor may, from time to time, by notification published in the Gazette, appoint a person to be a director of any building society to which this section applies.

(3) The provisions of this Act (other than this section) and of the rules of the building society relating to the qualification, disqualification, remuneration, removal from office and term of office of directors and to the vacation of office by directors shall not apply to and in respect of a director appointed under this section.

(4) A director appointed under this section shall hold office as an additional director and shall not be counted in ascertaining the number of directors for the election of whom provision is made in the rules of the society.

(5) Subject to subsection three of this section a director appointed under this section shall have all the powers, rights, authorities, functions, privileges, immunities, duties, obligations and liabilities of a director elected in accordance with the rules of the society.

(6) A director appointed under this section shall, unless he is an officer of the Public Service or a member of the Legislative Council or of the Legislative Assembly of New South Wales, be paid such fees as may be prescribed by regulation.

(b) by inserting next after section eighty-eight the following new sections:—

New secs.  
88A, 88B.

88A. A director or other officer of a building society shall not, except where specifically authorised by a special resolution of the society—

Certain  
dealings  
prohibited.

(a) sell any land to or act as agent for the sale of any land to a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or

(b)



*Housing (Further Provisions).*

- (b) undertake the erection of any building for a member of the society who proposes to pay for the same, in whole or in part, out of an advance made by the society; or
- (c) accept as payment in whole or in part of any moneys due to him by a member of the society the whole or part of any advance made by the society to such member.

Power to  
dismiss  
director or  
secretary  
of certain  
societies  
after  
inquiry.

88B. (1) This section shall apply to and in respect of—

- (a) every building society for the repayment of an advance to which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, executed a guarantee under the Government Guarantees Act, 1934, or under that Act as amended by subsequent Acts; and
- (b) every building society with which the Colonial Treasurer has, either before or after the commencement of the Housing (Further Provisions) Act, 1937, entered into an agreement under section 17A of this Act, whether as originally enacted or as amended from time to time.

(2) The Minister may appoint a person to hold an inquiry and to report to the co-operative building advisory committee with respect to—

- (a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a building society to which this section applies; or

(b)



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*Housing (Further Provisions).*

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(b) any act or omission of any director or secretary of a building society to which this section applies—such act or omission having relation to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on the building society or to the office or position held by the director or secretary or to the powers or duties of that office or position.

(3) For the purposes of any such inquiry the person holding the inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and shall be deemed to be a sole commissioner within the meaning of that Division.

The provisions of the Royal Commissions Acts, 1923-1934, with the exception of section thirteen and of Division 2 of Part II, shall, mutatis mutandis, apply to the inquiry and to any witness or person summoned by or appearing before the person holding the inquiry.

(4) The co-operative building advisory committee may, after consideration of the report of the person holding an inquiry under this section, direct that the office or position in a building society of the director or secretary to whom the report relates shall be vacated, and that such director shall not be eligible to hold office as a director of or (as the case may require) that such secretary shall not be eligible for appointment or employment as the secretary of that building society.

The office or position shall be deemed to have become vacant as from the date upon which notices, addressed to the director or secretary to whom the same relates and to the society of which he is a director or the secretary, as the

CASE



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*Housing (Further Provisions).*

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case may be, and signed by the chairman and executive member of the Co-operative Building Advisory Committee, of the direction of that committee, are delivered at or posted to the registered office of the building society.

(5) Every director or secretary of a building society to which this section applies shall, whether he was elected or appointed to such office or position before, or is so elected or appointed after, the commencement of the Housing (Further Provisions) Act, 1937, hold his office or position subject to the provisions of this section.

Further  
amendment of  
Act No. 1, 1924.

**12.** (1) The Co-operation Act, 1923-1936, as amended by subsequent Acts, is further amended—

Sec. 47.  
(Shares.)

(a) by inserting at the end of subsection ten of section forty-seven the following proviso:—

Provided that where a society has made a loan to a member and the number of shares held by such member has exceeded, or at any time exceeds, the number permitted by or under this subsection, such member shall, until the amount lent to him has been repaid to the society with interest thereon, be liable to make to the society the payments which he would be liable to make if all such shares were lawfully held by him and no security for the repayment of such loan taken by the society shall be affected by any contravention of this subsection.

Sec. 65.  
(Borrowing  
powers.)

(b) (i) by omitting subsection one of section sixty-five and by inserting in lieu thereof the following subsection:—

(1) (a) Where a society is authorised by its rules to raise money on loan the society may raise the money in such manner as the society may think fit, and in particular by legal or equitable mortgage charged upon the undertaking of the society or upon all

or



*Housing (Further Provisions).*

or any part of the property and rights (both present and future) of the society, including its uncalled or unpaid capital, subscriptions, loan payments and other moneys, or by the issue of bonds.

(b) A society shall not be deemed to be authorised to receive money on deposit unless, by its rules, it is expressly authorised to receive money on deposit.

- (ii) by inserting in subsection two of the same section after the word "financial" the word "or";
- (c) (i) by inserting in subsection three of section Sec. 66. sixty-six after the word "bank" the words (Loans and deposits.) "or any society registered under the Friendly Societies Act, 1912-1935";
- (ii) by omitting from subsection (7A) of the same section the words "during such period" and by inserting in lieu thereof the words "or if all deposits received have been repaid at the time of the loan";
- (iii) by inserting at the end of subsection (7B) of the same section the following paragraph:—  
For the purposes of this subsection a bond shall not include any instrument which makes any property liable, whether specifically or otherwise, to any bank or any society registered under the Friendly Societies Act, 1912-1935, or any financial or trading corporation, or liable specifically to any other person as security for money raised on loan or received on deposit.
- (iv) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

(12) No member or other person lending money to or depositing money with a society shall be bound to see to the application thereof or be in any way affected or prejudiced by the fact that such society, in borrowing



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*Housing (Further Provisions).*


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borrowing such money or receiving such deposit, has contravened the provisions of this or any other section of this Act or the rules of the society.

Sec. 80.  
(Special  
resolution.)

(d) by inserting at the end of section eighty the following new subsection:—

(4) A certificate of registration of any special resolution or of any alteration of the rules of a society given by the registrar shall, in favour of any person advancing money to the society on the faith of such certificate, or in favour of any guarantor of any such advance, be conclusive evidence that such resolution was duly passed or such alteration in the rules was duly made as the case may be.

Sec. 113.  
(Civil  
remedies.)

(e) (i) by inserting in section one hundred and thirteen after the words “of this Act” where firstly occurring the words “or any rule of the society”;

(ii) by inserting in the same section after the words “of this Act” where secondly occurring the words “or of the rules of the society.”

(2) Subsection one of this section shall be deemed to have commenced on the thirty-first day of December, one thousand nine hundred and thirty-four.

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PART V.

AMENDMENT OF HOUSING OF THE UNEMPLOYED ACT,  
1934-1936.

Commence-  
ment of  
Part V.

**13.** This Part of this Act shall be deemed to have commenced on the twenty-ninth day of June, one thousand nine hundred and thirty-four.

**14.**



*Housing (Further Provisions).*

**14.** (1) The Housing of the Unemployed Act, 1934-1936, is amended—

Amendment  
of Act No.  
4, 1934.

(a) by inserting next after section six the following new section:—

New sec. 6A.

6A. (1) The trust may, from time to time by resolution, delegate such of the powers, authorities, duties or functions of the trust or of the chairman as are specified in the resolution—

Delegation.

- (a) to any member of the trust;
- (b) to any officer appointed under subsection two of section six of this Act;
- (c) to any officer or employee of whose services the trust makes use pursuant to subsection one of section six of this Act.

(2) Any such delegation may be made either generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the trust or the chairman as the case may be.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The trust may by resolution revoke any delegation made under this section.

(b) by inserting at the end of section eight the following new subsection:—

Sec. 8.

(Powers of  
trust.)

(3) The trust may, from time to time, upon such conditions as may be determined by it, provide assistance of whatever nature it may think fit to any unemployed person or other person



*Housing (Further Provisions).*

Sec. 9.  
(Further  
powers of  
trust.)

person in necessitous circumstances in connection with the erection, improvement or repair of any building used or intended to be used as a home for such person and his family.

(c) by inserting at the end of section nine the following new subsection:—

(4) The trust may, from time to time, upon such conditions as may be determined by it, effect such improvements or repairs as it may deem necessary to—

(a) any building on land which is vested in or leased by the trust; or

(b) any building on land which has been let, leased or sold by the trust under this section; or

(c) any building which has been erected, repaired or improved with materials supplied by the trust or purchased with moneys advanced by the trust under and in accordance with this Act.

(2) The Housing of the Unemployed Act, 1934-1936, as amended by this Act, may be cited as the Housing of the Unemployed Act, 1934-1937.

Sec. 7.

## SCHEDULE.

Date.	Debtor.	Creditor.	Amount guaranteed.
			£
16th Dec., 1936	The Organising Council of the Australian British Empire Games Association.	Commonwealth Bank of Australia, Sydney.	10,000
29th Sep., 1937	Port Kembla Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	63,000
29th Sep., 1937	Port Kembla Brick Co-operative Building Society Limited.	Bank of New South Wales, Port Kembla Branch.	34,000

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

WAKEHURST,  
Governor.  
Government House,  
Sydney, 17th December, 1937.