

FIRST PRINT

**TEACHER HOUSING AUTHORITY (AMENDMENT) BILL
1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to amend the Teacher Housing Authority Act 1975 so as—
 - (i) to replace the position of full-time executive member of the Teacher Housing Authority of New South Wales with a part-time position held by a person appointed under the Public Service Act 1979 to manage the Authority's activities;
 - (ii) to exempt the Authority from liability for past and future general rates in relation to certain land managed by the Authority;
 - (iii) to effect statute law revision; and
 - (iv) to make other amendments of a minor, consequential or ancillary nature; and
- (b) to amend the Statutory and Other Offices Remuneration Act 1975 to remove the reference to the executive member of the Teacher Housing Authority of New South Wales in consequence of the amendment described in paragraph (a) (i).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the Teacher Housing Authority Act 1975 is referred to in the proposed Act as the Principal Act.

Clause 3 is a formal provision which gives effect to Schedules 1 and 2.

Clause 4 amends Part 1 of Schedule 2 to the Statutory and Other Offices Remuneration Act 1975 to remove the reference to the executive member of the Teacher Housing Authority of New South Wales as a consequence of the amendment made by Schedule 1 (3).

Clause 5 is a formal provision which gives effect to Schedule 3 which contains savings and transitional provisions.

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

Schedule 1 (1) amends section 4 of the Principal Act as a consequence of the amendments made by Schedule 1 (2) and (4).

Schedule 1 (2) amends section 7 of the Principal Act to remove the position of executive member of the Authority (being a full-time member of the Authority nominated by the Minister for Education) and to replace it with the position of part-time member of the Authority who holds that position by virtue of holding the position of manager of the Authority's activities under the Public Service Act 1979.

Schedule 1 (3) omits section 8 of the Principal Act (executive member) which specified the terms of the office of the executive member as a consequence of the amendments made by Schedule 1 (2).

Schedule 1 (4) omits section 9 of the Principal Act (preservation of rights of certain executive members) as a consequence of the amendments made by Schedule 1 (2). The rights of the current executive member and past executive members of the Authority are preserved by Schedule 3.

Schedule 1 (5), (6), (7), (8) and (11) amend sections 10, 11, 17, 18 and 40, respectively, of the Principal Act in consequence of the amendments made by Schedule 1 (2) to remove references to the executive member of the Authority.

Schedule 1 (9) omits section 36 of the Principal Act (declaration of statutory bodies) as a consequence of the amendment made by Schedule 1 (4).

Schedule 1 (10) amends section 37 of the Principal Act to exempt the Authority from liability for general rates under the Local Government Act 1919 in relation to certain land managed by the Authority. This land commonly forms part of school sites which are already exempt from those rates.

SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION

Schedule 2 makes various amendments to the Principal Act by way of statute law revision to remove spent provisions, to correct out-of-date references and for other purposes.

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3 contains savings and transitional provisions which—

- (a) deem the current executive member of the Authority to have been appointed on the commencement of the proposed Act to the position of manager of the Authority's activities under the Public Service Act 1979 and by virtue of holding that position, to be a part-time member of the Authority;

- (b) provide for the remuneration, as a public servant, of the person to whom paragraph (a) applies; and
 - (c) preserve the leave and superannuation rights and certain other rights of the current executive member and past executive members of the Authority.
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**TEACHER HOUSING AUTHORITY (AMENDMENT) BILL
1987**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Principal Act
3. Amendment of Act No. 27, 1975
4. Amendment of Act No. 4, 1976, Schedule 2 (Public offices)
5. Savings and transitional provisions

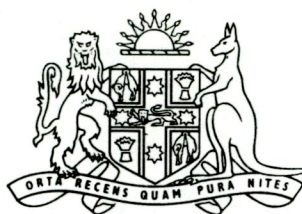
SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

**TEACHER HOUSING AUTHORITY (AMENDMENT) BILL
1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Teacher Housing Authority Act 1975 with respect to the membership of the Authority and the liability of the Authority to pay general rates; to amend the Statutory and Other Offices Remuneration Act 1975; and for other purposes.

Teacher Housing Authority (Amendment) 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Teacher Housing Authority (Amendment) Act 1987".

Principal Act

2. The Teacher Housing Authority Act 1975 is referred to in this Act
10 as the Principal Act.

Amendment of Act No. 27, 1975

3. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 4, 1976, Schedule 2 (Public offices)

15 4. The Statutory and Other Offices Remuneration Act 1975 is amended by omitting from Part 1 of Schedule 2 the words "Executive member of the Teacher Housing Authority of New South Wales."

Savings and transitional provisions

5. Schedule 3 has effect.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 4 (**Interpretation**)—

Section 4, definitions of "executive member", "statutory body"—

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Omit the definitions.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*
 AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(2) Section 7 (**Appointment of members**)—

(a) Section 7 (1) (a)—

Omit the paragraph, insert instead:

(a) 3 shall be appointed by the Governor;

5 (b) Section 7 (1) (b), (c)—

At the end of section 7 (1) (b), insert:

; and

10 (c) one shall be the person appointed as referred to in section 12 (1) to, or acting in, a position the principal duty of which is the management of the Authority's activities.

(c) Section 7 (2) (b)—

Omit the paragraph.

(d) Section 7 (7), (8)—

After section 7 (6), insert:

15 (7) The Secretary of the Ministry of Education may appoint a person to act in the place of the member referred to in subsection (1) (c) while that member is from time to time absent from that office through illness or any other cause, and the person so appointed shall, while so acting, be deemed to be a member and
 20 shall have the immunities, powers, authorities, duties and functions of that member.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

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

(3) Section 8 (**Executive member**)—

Omit the section.

(4) Section 9 (**Preservation of rights of certain executive members**)—

10 Omit the section.

(5) Section 10 (**Provisions relating to members generally**)—

(a) Section 10 (1)—

After “section 7 (1) (b)”, insert “or (c)”.

(b) Section 10 (5A)—

15 After section 10 (5), insert:

(5A) Where by or under any other Act provision is made—

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or

20 (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person
25 under this Act as a member.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(c) Section 10 (6)—

Omit “, other than the executive member,”.

(6) Section 11 (**Vacation of office**)—

(a) Section 11 (1) (b), (c), (n)—

5 Omit the paragraphs.

(b) Section 11 (1) (d)—

Omit “, being a member other than the executive member,”.

(c) Section 11 (1) (j)—

Omit “except as provided in paragraph (b),”.

10 (d) Section 11 (1) (k), (l)—

Omit the paragraphs, insert instead:

(k) if, being a member referred to in section 7 (1) (b) or (c), the member ceases to be qualified as provided by section 7 (1) (b) or (c);

15 (l) if, not being a member referred to in section 7 (1) (b) or (c), the member is removed from office by the Governor;
or

(e) Section 11 (1) (m)—

Omit “years; or”, insert instead “years.”.

20 (f) Section 11 (2)—

After “section 7 (1) (b)”, insert “or (c)”.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(g) Section 11 (2A)—

Omit the subsection.

(7) Section 17 (**Delegation**)—

Section 17 (1)—

5 Omit “to the executive member or”.

(8) Section 18 (**Meetings of the Authority**)—

Section 18 (3)—

Omit “executive member”, insert instead “member referred to in section 7 (1) (c)”.

10 (9) Section 36 (**Declaration of statutory bodies**)—

Omit the section.

(10) Section 37 (**Liability of Authority for rates**)—

(a) Section 37—

Omit “or managed by”.

15 (b) Section 37 (2), (3)—

At the end of section 37, insert:

(2) Notwithstanding any provision of any other Act, land managed by the Authority and on which a house is erected is not ratable land for the purposes of any general rate made under the

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Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- 5 (3) Notwithstanding any provision of any other Act, land which was managed by the Authority and on which a house was erected shall be deemed not to have been ratable land, for the purposes of any general rate made under the Local Government Act 1919, during any period in which the house was erected and the land so managed.

(11) Section 40 (**Authentication of certain documents of Authority**)—

Omit “the executive member or by any other”, insert instead “any”.

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SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION

(1) Section 3 (**Division of Act**)—

15 Omit the section.

(2) Section 7 (**Appointment of members**)—

Section 7 (1) (b)—

Omit “Under”.

(3) Section 10 (**Provisions relating to members generally**)—

20 Section 10 (5)—

Omit “Public Service Act, 1902,”, insert instead “Public Service Act 1979”.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued*

(4) Section 11 (**Vacation of office**)—

Section 11 (3)—

- 5 Omit “section 6A (1) (c) of the Companies Act, 1961, a member has, for the purposes of Part VI^B of that Act,” insert instead “section 9 (1) of the Companies (Acquisition of Shares) (New South Wales) Code, a member has, for the purposes of that Code.”.

(5) Section 12 (**Staff establishment of Authority and appointment of officers and employees**)—

Section 12 (1)—

- 10 Omit “Public Service Act, 1902”, insert instead “Public Service Act 1979”.

(6) Section 17 (**Delegation**)—

Section 17 (1)—

Omit “Public Service Act, 1902,” insert instead “Public Service Act 1979”.

(7) Sections 19 (1), 20 (2) (a)—

- 15 Omit “The Housing Commission of New South Wales” wherever occurring, insert instead “the New South Wales Land and Housing Corporation”.

(8) Section 34 (**Loan liability of Authority**)—

Section 34 (1) (b)—

Omit “general loan account”, insert instead “Consolidated Fund”.

20 (9) Section 43 (**Annual report**)—

Omit the section.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 3

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

- 5 1. In this Schedule, "executive member" means a member of the Teacher Housing Authority of New South Wales appointed under section 7 (2) (b) of the Principal Act as in force before the date of assent to this Act.

Appointment and rights of new member of Authority

- 10 2. (1) The person who, immediately before the date of assent to this Act, held the position of executive member shall be deemed to have been appointed on that date under section 61 of the Public Service Act 1979 to the position referred to in section 7 (1) (c) of the Principal Act, as amended by this Act.

- 15 (2) The person referred to in subclause (1) is entitled on and after the date of assent to this Act to remuneration at a rate, determined by the Public Service Board, as near as practicable to the rate of remuneration payable to the person immediately before that date in respect of the position of executive member.

- 20 (3) Such part of the remuneration as is salary or wages is subject to any adjustment necessary to give effect to any fluctuation in the applicable basic wage in force under Part V of the Industrial Arbitration Act 1940 until the salary is, or the wages are, lawfully varied.

- (4) A condition of employment applicable immediately before the date of assent to this Act to the person referred to in subclause (1) continues to be applicable to the person on and after that date until it is lawfully altered or revoked unless it cannot have effect under the Public Service Act 1979.

25 Preservation of rights of previous executive members

3. Notwithstanding the repeal of section 9 of the Principal Act by this Act, that section continues to have effect in relation to a person who at any time held office as the executive member.

**TEACHER HOUSING AUTHORITY (AMENDMENT) ACT
1987 No. 14**

NEW SOUTH WALES



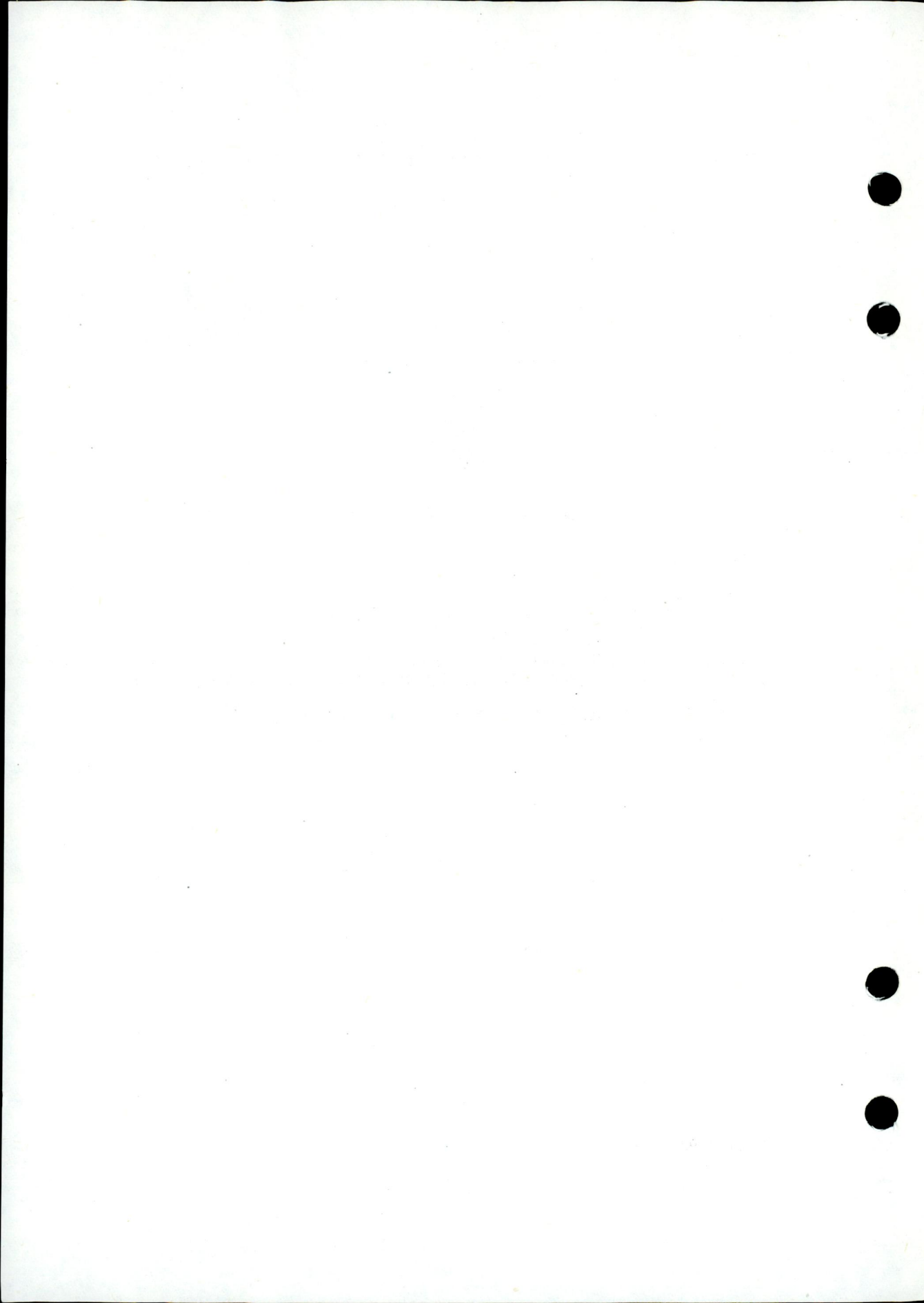
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**SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION**

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS



**TEACHER HOUSING AUTHORITY (AMENDMENT) ACT 1987 No.
14**

NEW SOUTH WALES



Act No. 14, 1987

An Act to amend the Teacher Housing Authority Act 1975 with respect to the membership of the Authority and the liability of the Authority to pay general rates; to amend the Statutory and Other Offices Remuneration Act 1975; and for other purposes. [Assented to 13 April 1987]

Teacher Housing Authority (Amendment) 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Teacher Housing Authority (Amendment) Act 1987".

Principal Act

2. The Teacher Housing Authority Act 1975 is referred to in this Act as the Principal Act.

Amendment of Act No. 27, 1975

3. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 4, 1976, Schedule 2 (Public offices)

4. The Statutory and Other Offices Remuneration Act 1975 is amended by omitting from Part 1 of Schedule 2 the words "Executive member of the Teacher Housing Authority of New South Wales."

Savings and transitional provisions

5. Schedule 3 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 4 (**Interpretation**)—

Section 4, definitions of "executive member", "statutory body"—

Omit the definitions.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*(2) Section 7 (**Appointment of members**)—

(a) Section 7 (1) (a)—

Omit the paragraph, insert instead:

(a) 3 shall be appointed by the Governor;

(b) Section 7 (1) (b), (c)—

At the end of section 7 (1) (b), insert:

; and

(c) one shall be the person appointed as referred to in section 12 (1) to, or acting in, a position the principal duty of which is the management of the Authority's activities.

(c) Section 7 (2) (b)—

Omit the paragraph.

(d) Section 7 (7), (8)—

After section 7 (6), insert:

(7) The Secretary of the Ministry of Education may appoint a person to act in the place of the member referred to in subsection (1) (c) while that member is from time to time absent from that office through illness or any other cause, and the person so appointed shall, while so acting, be deemed to be a member and shall have the immunities, powers, authorities, duties and functions of that member.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

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

(3) Section 8 (**Executive member**)—

Omit the section.

(4) Section 9 (**Preservation of rights of certain executive members**)—

Omit the section.

(5) Section 10 (**Provisions relating to members generally**)—

(a) Section 10 (1)—

After “section 7 (1) (b)”, insert “or (c)”.

(b) Section 10 (5A)—

After section 10 (5), insert:

(5A) Where by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(c) Section 10 (6)—

Omit “, other than the executive member,”.

(6) Section 11 (**Vacation of office**)—

(a) Section 11 (1) (b), (c), (n)—

Omit the paragraphs.

(b) Section 11 (1) (d)—

Omit “, being a member other than the executive member,”.

(c) Section 11 (1) (j)—

Omit “except as provided in paragraph (b),”.

(d) Section 11 (1) (k), (l)—

Omit the paragraphs, insert instead:

(k) if, being a member referred to in section 7 (1) (b) or (c), the member ceases to be qualified as provided by section 7 (1) (b) or (c);

(l) if, not being a member referred to in section 7 (1) (b) or (c), the member is removed from office by the Governor;
or

(e) Section 11 (1) (m)—

Omit “years; or”, insert instead “years.”.

(f) Section 11 (2)—

After “section 7 (1) (b)”, insert “or (c)”.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(g) Section 11 (2A)—

Omit the subsection.

(7) Section 17 (**Delegation**)—

Section 17 (1)—

Omit “to the executive member or”.

(8) Section 18 (**Meetings of the Authority**)—

Section 18 (3)—

Omit “executive member”, insert instead “member referred to in section 7 (1) (c)”.

(9) Section 36 (**Declaration of statutory bodies**)—

Omit the section.

(10) Section 37 (**Liability of Authority for rates**)—

(a) Section 37—

Omit “or managed by”.

(b) Section 37 (2), (3)—

At the end of section 37, insert:

(2) Notwithstanding any provision of any other Act, land managed by the Authority and on which a house is erected is not ratable land for the purposes of any general rate made under the Local Government Act 1919.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(3) Notwithstanding any provision of any other Act, land which was managed by the Authority and on which a house was erected shall be deemed not to have been ratable land, for the purposes of any general rate made under the Local Government Act 1919, during any period in which the house was erected and the land so managed.

(11) Section 40 (**Authentication of certain documents of Authority**)—

Omit “the executive member or by any other”, insert instead “any”.

SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE PRINCIPAL ACT
BY WAY OF STATUTE LAW REVISION

(1) Section 3 (**Division of Act**)—

Omit the section.

(2) Section 7 (**Appointment of members**)—

Section 7 (1) (b)—

Omit “Under”.

(3) Section 10 (**Provisions relating to members generally**)—

Section 10 (5)—

Omit “Public Service Act, 1902,” insert instead “Public Service Act 1979”.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued*

(4) Section 11 (**Vacation of office**)—

Section 11 (3)—

Omit “section 6A (1) (c) of the Companies Act, 1961, a member has, for the purposes of Part VIB of that Act,”, insert instead “section 9 (1) of the Companies (Acquisition of Shares) (New South Wales) Code, a member has, for the purposes of that Code.”.

(5) Section 12 (**Staff establishment of Authority and appointment of officers and employees**)—

Section 12 (1)—

Omit “Public Service Act, 1902”, insert instead “Public Service Act 1979”.

(6) Section 17 (**Delegation**)—

Section 17 (1)—

Omit “Public Service Act, 1902,”, insert instead “Public Service Act 1979”.

(7) Sections 19 (1), 20 (2) (a)—

Omit “The Housing Commission of New South Wales” wherever occurring, insert instead “the New South Wales Land and Housing Corporation”.

(8) Section 34 (**Loan liability of Authority**)—

Section 34 (1) (b)—

Omit “general loan account”, insert instead “Consolidated Fund”.

(9) Section 43 (**Annual report**)—

Omit the section.

Teacher Housing Authority (Amendment) 1987

SCHEDULE 3

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule, "executive member" means a member of the Teacher Housing Authority of New South Wales appointed under section 7 (2) (b) of the Principal Act as in force before the date of assent to this Act.

Appointment and rights of new member of Authority

2. (1) The person who, immediately before the date of assent to this Act, held the position of executive member shall be deemed to have been appointed on that date under section 61 of the Public Service Act 1979 to the position referred to in section 7 (1) (c) of the Principal Act, as amended by this Act.

(2) The person referred to in subclause (1) is entitled on and after the date of assent to this Act to remuneration at a rate, determined by the Public Service Board, as near as practicable to the rate of remuneration payable to the person immediately before that date in respect of the position of executive member.

(3) Such part of the remuneration as is salary or wages is subject to any adjustment necessary to give effect to any fluctuation in the applicable basic wage in force under Part V of the Industrial Arbitration Act 1940 until the salary is, or the wages are, lawfully varied.

(4) A condition of employment applicable immediately before the date of assent to this Act to the person referred to in subclause (1) continues to be applicable to the person on and after that date until it is lawfully altered or revoked unless it cannot have effect under the Public Service Act 1979.

Preservation of rights of previous executive members

3. Notwithstanding the repeal of section 9 of the Principal Act by this Act, that section continues to have effect in relation to a person who at any time held office as the executive member.

