

No. 4996.

An Act to confer additional Powers and Functions upon the Housing Commission, and for other purposes.

[23rd December, 1943.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title
construction
and citation.
Nos. 4531,
4568, 4583,
4652.

1. (1) This Act may be cited as the *Housing Act 1943* and shall be read and construed as one with the *Housing Act 1937* and any Act amending the same all of which Acts and this Act may be cited together as the *Slum Reclamation and Housing Acts*.

Commencement

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Division of
Act.

2. This Act is divided into Parts as follows:—

Part I.—Acquisition of Land and Erection of Houses.

Part II.—Letting or Leasing of Houses.

Part III.—Sale of Houses.

Part IV.—Advances for Housing Purposes.

Part V.—General.

3. (1) In

3. (1) In this Act unless inconsistent with the context or subject-matter— Interpretation.

“Capital cost” of a house together with the land on which it is situate includes the value of the land, the expenditure for purchase or erection (as the case may be) of the house, together with a sufficient sum to cover the cost (if any) of survey and subdivision and the value of so much of the land purchased or acquired as is laid out as streets, the cost of clearing draining fencing or otherwise improving the land by the Commission and any other costs incidental to the purchase acquisition and disposal of the land together with the interest on all expenditure in connexion with the house and land up to the time of sale or (as the case may be) letting or leasing by the Commission. “Capital cost”.

“Contract of sale” means a contract for the sale by the Commission of a house and land. “Contract of sale”.

“Eligible person” means a person who or whose wife or husband is not the owner of a house in Victoria and whose annual income together with that of such wife or husband does not, at the time of the entering into a contract of sale or the making of an advance or the letting or leasing of a house and land under this Act, exceed Five hundred and twenty pounds or such greater sum as the Minister determines in any particular case having regard to the unusual housing requirements of the applicant in that case. “Eligible person”.

(2) In this Act, any reference to this Act or any provision thereof shall, where the context requires, be deemed to include a reference to the corresponding previous enactment. References to this Act &c.

PART I.—ACQUISITION OF LAND AND ERECTION OF HOUSES.

4. (1) For the purposes of this Act the Commission may—

- (a) with the consent of the Treasurer of Victoria purchase or compulsorily acquire any land ;
- (b) with the consent of the Commissioner of Crown Lands and Survey purchase or acquire any Crown land (and notwithstanding anything in any Act the Governor in Council is hereby empowered to grant any such land to the Commission

Power to Commission to acquire land and erect houses &c.
Comp. No. 4568
s. 27 (1).

Commission at such price, if any, and on such terms and conditions as the Governor in Council thinks fit);

- (c) purchase or acquire from a municipality any land (not being land set apart or reserved under the Land Acts) vested in the municipality (and notwithstanding anything in any Act the municipality is hereby empowered to sell or give any such land to the Commission);
- (d) re-plan and re-subdivide any area in which the Commission has purchased or acquired land, and subject to this Part secure the closing of any street or the extinguishment of any easement or restrictive covenant for that purpose;
- (e) erect houses on or lay out as streets—
 - (i) any land purchased or acquired as aforesaid or any part thereof; or
 - (ii) any other land acquired by the Commission or any part thereof;
- (f) with the consent of the Minister set apart any such land or any part thereof for gardens parks open spaces or places of recreation, or erect on any such land any buildings which in the opinion of the Commission will serve a beneficial purpose in connexion with the requirements of the persons to whom such houses are sold let or leased under this Act;
- (g) maintain repair and generally control and manage any such houses and buildings and the land on which they are situate so long as the same are vested in or subject to any mortgage or security in favour of the Commission;
- (h) surrender to His Majesty for the purpose of a garden park open space or place of recreation any land set apart for such purpose pursuant to this sub-section;
- (i) (without limiting or affecting the power of the Commission to sell houses and land as hereinafter provided) with the consent of the Minister on such terms and conditions and subject to such restrictions exceptions and reservations as the Commission thinks fit sell any land (other than land granted to the Commission by the Crown or land on which the Commission has erected any house) purchased or acquired by the Commission

Commission pursuant to this sub-section or any part thereof—

- (i) to His Majesty in right of the Commonwealth or the State of Victoria, to the Minister of Public Instruction and his successors for the time being administering the Education Acts or to any statutory corporation established for any public purpose (including any municipality); or
- (ii) by public auction at such upset price as the Board of Land and Works determines or, in the case where any such land has been put up to auction and remains unsold thereat, by private contract at not less than the upset price determined therefor when such land was last put up to auction ;
- (j) with the consent of the Minister upon such terms and conditions and subject to such restrictions exceptions and reservations as the Commission thinks fit exchange any land of the Commission (other than land granted to the Commission by the Crown or land on which the Commission has erected any house) for any other land and give or receive consideration for equality of exchange ; and
- (k) do all matters and things incidental to any of the abovementioned matters.

(2) For the purposes of this Act the Commission may—

- (a) accept any absolute donation gift devise or bequest of real or personal property ; or
- (b) with the consent of the Governor in Council accept any donation gift devise or bequest of real or personal property subject to any trust the objects of which are not substantially different from those for which the Commission is constituted, and carry out and give effect to the objects of any such trust.

Power to Commission to accept donations &c. for purposes of this Act.

(3) Notwithstanding anything to the contrary in the Local Government Acts or any other Acts relating to local government, any municipality shall be empowered and shall be deemed always to have been empowered to purchase or compulsorily acquire any land in the manner

Power to municipalities to purchase or acquire land to give to Commission.

provided

provided in the Local Government Acts or other Acts relating to local government (as the case may require) in order to give such land to the Commission for the purposes of this Act.

As to houses
erected under
No. 4345.
Comp. No. 4568
s. 27 (2).

5. By virtue of this Act the houses erected under the authority of the *Public Works Loan Application Act* 1935 and the land on which such houses are situate shall for the purposes of this Act be vested in the Commission and the Commission may maintain repair and generally control and manage such houses and land and do all matters and things incidental thereto.

Reversion to
Crown of
surplus Crown
land acquired
by
Commission.
Ib. s. 27 (5).

6. (1) Where any land granted to the Commission by the Crown pursuant to this Part is no longer required by the Commission for the purposes of this Act the Governor in Council may by Order published in the *Government Gazette* direct that such land revert to the Crown.

(2) On the publication of such Order and on the refund to the Commission from the consolidated revenue (which is hereby to the necessary extent appropriated accordingly) of the purchase price, if any, of such land, or (as the case requires) such portion of any purchase price as the Commissioner of Crown Lands and Survey determines is attributable to such land—

- (i) any Crown grant so far as the same relates to such land shall be hereby made void revoked and annulled ;
- (ii) such land shall be hereby re-vested in His Majesty freed and discharged from all trusts limitations reservations and restrictions whatsoever and shall be and may be dealt with as unalienated land of the Crown ; and
- (iii) the Registrar of Titles shall be hereby authorized and directed to make all such entries as are necessary or expedient in consequence of such re-vesting upon any Crown grant or duplicate thereof or upon any certificate or duplicate certificate of title and the Commission shall produce any such document to the Registrar of Titles for that purpose.

7. (1) If

7. (1) If the Commission is of opinion that for the effective planning or subdivision or re-planning or re-subdivision of any area in which the Commission has purchased or otherwise acquired land for the purposes of this Act it is expedient that any street or any part of a street should be closed or that any easement or restrictive covenant should be extinguished the Commission may, subject to sub-section (2) of this section, recommend to the Governor in Council that such street or part thereof be closed or that such easement or restrictive covenant be extinguished, and the Governor in Council may subject to the said sub-section by Order close such street or part thereof or extinguish such easement or restrictive covenant.

As to closing of streets and extinguishment of easements and restrictive covenants in relation to lands purchased or acquired by Commission.

(2) The provisions of sections twenty-three twenty-four and twenty-five of the *Slum Reclamation and Housing Act* 1938 shall apply to and with respect to any such recommendation and Order in all respects as they apply to and with respect to recommendations and Orders made under those sections in relation to reclamation areas.

Application of No. 4568 ss. 23, 24, 25.

8. (1) In the erection of any house the Commission shall comply with the provisions of the regulations made under section seventeen of the *Slum Reclamation and Housing Act* 1938 and with the provisions of the regulations made under the *Local Government (Building Regulations) Act* 1940 so far as such regulations directly impose standards of construction but need not comply with the provisions of any by-law of the municipality in the municipal district of which such house is situate.

As to building regulations.
Comp. No. 4568 s. 27 (4)
No. 4568 s. 17.
No. 4796.

(2) The Governor in Council may make regulations for or with respect to the management use control regulation and inspection of houses buildings and land maintained by the Commission.

Regulations for management &c. of houses.
Comp. No. 4568 s. 30.

9. The total capital cost to the Commission of any house erected pursuant to this Act together with the land upon which it is situate shall not exceed One thousand two hundred and fifty pounds if the house is of wood or One thousand five hundred pounds if the house is of brick stone concrete or other material or any combination of those materials.

Capital cost of houses erected by Commission.

Purposes for which houses may be used.

10. Any house vested in the Commission together with the land on which it is situate may subject to this Act be let or leased in accordance with the provisions of Part II. or sold in accordance with the provisions of Part III. of this Act:

Provided that the Governor in Council may from time to time determine a maximum capital cost in respect of any house and land which may be so let or leased at any rent less than the full economic rental as hereinafter determined.

PART II.—LETTING OR LEASING OF HOUSES.

Power to Commission to let or lease houses to eligible persons.
Comp. No. 4568 s. 28.

11. (1) The Commission may on such terms and for such periods and subject to such covenants and conditions as are prescribed let or lease to any eligible person any house vested in it together with the land on which it is situate.

Matters to be considered.

(2) In exercising the power conferred by the last preceding sub-section the Commission shall have regard with respect to any eligible person who is an applicant for the letting or leasing of a house and land—

(a) to the existing housing accommodation of such person;

(b) to the number of children of such person who are living with him;

(c) to whether such person is or has been a member of the naval military or air forces of the King or the Commonwealth or the merchant navy or any of the women's services or bodies auxiliary to those forces or is the wife or widow of a member of any of those forces or of the merchant navy; and

(d) to such other matters as the Governor in Council directs.

Preference to persons from reclamation areas &c. in respect of certain houses.

(3) The Commission shall, in letting or leasing any house and land the capital cost of which does not exceed the maximum capital cost (if any) determined pursuant to the proviso to section ten of this Act, give preference to persons of good character who are displaced from houses in the execution of the Slum Reclamation and Housing Acts or are occupying insanitary or overcrowded houses or are living under unsatisfactory housing conditions.

Determination of rent.
Ib. s. 29.

12. (1) The Governor in Council may make regulations for or with respect to determining the amount of rent which shall be paid by tenants under this Part.

(2) The

(2) The rent so determined shall so far as practicable be the full economic rental of the house and land as calculated in the prescribed manner on the capital cost thereof, but, except in the case of any house and land the capital cost of which exceeds the maximum capital cost (if any) determined pursuant to the proviso to section ten of this Act, the regulations may provide for rebates in such circumstances and subject to such conditions as are prescribed.

PART III.—SALE OF HOUSES.

13. (1) Subject to this Part the Commission may sell to any eligible person any house situate on land vested in the Commission in fee simple absolute together with the land on which it is situate.

Power to
Commission
to sell houses
to eligible
persons.

(2) In exercising the power conferred by the last preceding sub-section the Commission shall have regard with respect to any eligible person who is an applicant for purchase of a house and land—

Matters to
be considered.

(a) to the existing housing accommodation of such person and whether such person is of good character and has been or is to be displaced from his house in the execution of the Slum Reclamation and Housing Acts ;

(b) to the number of children of such person who are living with him ;

(c) to whether such person is or has been a member of the naval military or air forces of the King or the Commonwealth or the merchant navy or any of the women's services or bodies auxiliary to those forces or is the wife or widow of a member of any of those forces or of the merchant navy ; and

(d) to such other matters as the Governor in Council directs.

14. (1) The sale of any house and land as aforesaid shall be upon such terms and subject to such covenants and conditions and the payment of such cash deposit (if any) as are prescribed.

Terms and
conditions
of sale.

(2) The purchase price shall be determined in the prescribed manner by reference to the capital cost of the house together with the land on which it is situate.

Purchase
price.

(3) The

Rental.

(3) The purchaser shall be permitted to occupy the house and land as a weekly tenant and shall pay therefor a rental at the prescribed rate per centum per annum on the purchase price thereof or (where the Commission has required the payment of a deposit) on the difference between the purchase price and the amount of the deposit paid.

Payment of rates, taxes, &c.

(4) The purchaser shall pay all rates and taxes on and the cost of insurance repairs and maintenance of the house and land: Provided that the regulations may require provision to meet these expenses to be made by way of an addition to the rental.

Allocation of rental to interest and purchase price.

15. (1) The Commission shall appropriate a sum from the rental to cover interest at such rate per centum per annum as is prescribed on the amount of purchase price from time to time outstanding and shall allot the remainder of the rental (not including any additions to the rental provided for in sub-section (4) of the last preceding section) towards the payment of the purchase price.

As to transfer of house and land to purchaser subject to mortgage.

(2) At any time after the purchaser—

- (a) has paid in reduction of the purchase price a sum amounting to not less than Twenty per centum thereof;
- (b) has paid to the Commission the amount due by him up to that time by way of instalments of rental; and
- (c) has complied to the satisfaction of the Commission with the covenants and conditions contained in the contract of sale—

he may if he so desires upon giving to the Commission the prescribed notice in writing of his intention so to do execute in favour of the Commission a mortgage in the prescribed form for the balance of the purchase price and thereupon he shall be entitled to obtain from the Commission a transfer of the land; but except as in this sub-section provided he shall not be entitled to obtain from the Commission a transfer of the land unless and until he has paid the full amount of the purchase price and has complied to the satisfaction of the Commission with the covenants and conditions contained in the contract of sale.

(3) The costs and expenses of any transfer mortgage or release executed in pursuance of this Part shall be borne by the purchaser.

16. Payments

16. Payments of rental in respect of any house and land shall be made to the Commission in equal weekly fortnightly monthly or quarterly instalments in accordance with the contract of sale or mortgage entered into with respect to the house and land but so that the period over which such instalments are payable shall not exceed thirty-one and a half years where such house is of wood or thirty-five years where such house is of brick stone concrete or other material or any combination of those materials.

Payments of rental and maximum term of contract.

17. (1) The Commission shall prepare tables showing how much of each and every payment of rental is a payment on account of purchase price and how much thereof is for interest.

Tables showing instalments of rental and allocation of interest and purchase price.

(2) Every such table shall also show what balance of purchase price is owing by the borrower at each payment of rental.

(3) A table prepared in conformity with the foregoing sub-sections of this section and showing the rates of payment as on a purchase price of One hundred pounds and compiled at the rates provided for under this Part shall be furnished to each applicant for purchase of a house and land at his request.

18. (1) Any purchaser who is not in arrear with any payment of rental may on any date fixed for the payment by him of any instalment of rental pay off the whole or any portion (being Five pounds or a multiple of Five pounds) of the balance of purchase price then owing by paying to the Commission such balance (as fixed by the said tables) or such portion thereof as aforesaid.

Payment of whole or part of balance of purchase price owing before maturity.

(2) Where portion only of such balance is so paid such payment shall not affect the payments of rental or the obligation of the purchaser in respect thereof and the Commission shall place the amount from time to time so paid to the credit of the purchaser in its books and shall credit the purchaser with interest on the amount so paid by him at the same rate per centum per annum and calculated in the same manner as that which is payable by him on the balance of purchase price. When the moneys standing to the credit of such purchaser for money so paid and interest thereon amount to a sum sufficient to pay the balance of purchase price according to the said tables, the Commission shall apply such

such moneys for such purpose and release the purchaser and (where the case requires) the land mortgaged from all claims and demands.

(3) The Commission may at its discretion apply any portion of any moneys standing to the credit of any purchaser as aforesaid to meet any payment of rental which is not made on the due date therefor.

Provision
for cases of
hardship.

19. (1) In cases of hardship the Commission may extend for such period on such terms and conditions as it thinks fit the time for making any payment required by this Part.

(2) Where the time for making any payment has been so extended the payment shall bear interest for the time so extended at the same rate per centum per annum as that which is payable on the purchase price.

Restriction on
sale,
mortgaging,
&c.

20. As between the Commission and the purchaser (whether original or by transfer) of any house and land forming the subject of a contract of sale mortgage or other security, the following conditions shall be imposed so long as any money due to the Commission under the contract of sale mortgage or other security remains unpaid, namely :—

- (a) The house and land or any part thereof shall not be sold or contracted to be sold mortgaged transferred assigned let or sub-let by the purchaser without the consent in writing of the Commission, but the Commission shall not unreasonably withhold such consent in the case of a proposed purchaser transferee or tenant who is an eligible person ;
- (b) Every sale contract of sale mortgage transfer assignment lease or sub-lease entered into or made in contravention of the provisions of this section shall be void and of no effect ;
- (c) If the purchaser sells or contracts to sell mortgages transfers assigns lets or sub-lets the house and land or any part thereof in contravention of the provisions of this section the Commission may cancel the contract of sale and in its discretion forfeit the instalments formerly paid by the purchaser or (as the case requires) cause the estate or interest of the purchaser in the house and land to be sold.

21. The

21. The Governor in Council may make regulations for or with respect to any matter authorized or required to be prescribed or necessary or expedient to be prescribed for the purposes of this Part.

Regulations.

PART IV.—ADVANCES FOR HOUSING PURPOSES.

22. (1) In order to assist any eligible person—

- (a) to erect a house on land owned by him ;
- (b) to purchase land and erect thereon a house ;
- (c) to purchase a newly-erected house or a house in course of erection and the land on which it is erected or is being erected ; or
- (d) to enlarge or improve a house on land owned by him—

Power to Commission to make advances to eligible persons for erection or purchase of houses, &c.

the Commission may make advances either by instalments or otherwise upon the security of the land on which the house is erected or will be erected with the aid of such advances.

(2) In exercising the power conferred by the last preceding sub-section the Commission shall have regard with respect to any eligible person who is an applicant for any advance—

Matters to be considered.

- (a) to the existing housing accommodation of such person ;
- (b) to the number of children of such person who are living with him ;
- (c) to whether such person is or has been a member of the naval military or air forces of the King or the Commonwealth or the merchant navy or any of the women's services or bodies auxiliary to those forces or is the wife or widow of a member of any of those forces or of the merchant navy ; and
- (d) to such other matters as the Governor in Council directs.

23. No person shall apply any portion of any advance made under the last preceding section for any purpose other than that in respect of which such advance was made and if any person is guilty of a contravention of this section the Commission may cause his estate or interest in the land to be sold.

Advances to be applied to authorized purposes only.

24. The

Proportion of advances to actual value of land and house and maximum amount of advances.

24. The amount of any advance so made on any such land shall not exceed ninety per centum of the actual value (as determined by valuation pursuant to this Part) of the land and the house situate or in course of erection thereon at the time of the advance and the total amount of advances made to any eligible person shall not in any case exceed—

- (a) One thousand one hundred and twenty-five pounds if the house situate or to be erected on the land is or will be of wood; or
- (b) One thousand three hundred and fifty pounds if such house is or will be of brick stone concrete or other material or any combination of those materials.

Repayment to be secured by instrument or deed of mortgage.

No. 3791.

25. (1) The repayment of every advance together with all interest and other moneys incidental to such advance or properly chargeable against the borrower in respect thereof shall be secured when the land is under the *Transfer of Land Act* 1928 by an instrument of mortgage duly registered under that Act and when the land is under the general law by a deed of mortgage or further charge duly registered in the office of the Registrar-General.

Form of mortgage.

(2) Such instrument or deed shall be expressed to be made between the registered proprietor or owner of the land and the Commission and shall be in such form and shall contain such powers covenants provisions conditions and clauses as are prescribed.

Mortgage to be first mortgage.

(3) No such advance shall be made by the Commission upon the security of any mortgage other than a first mortgage over all the premises comprised therein except where the Commission already holds a first mortgage under this Part over the said premises in which case it shall be at liberty to make a further advance upon the security of a further charge upon the said premises.

Advances only to be made upon satisfactory title and acceptance of mortgage.

(4) No advance shall be actually paid to the person applying therefor until the Commission is satisfied with and has accepted the title of such applicant to the premises comprised in the security tendered and has accepted from him by way of security for such advance an instrument or deed of mortgage or further charge as aforesaid.

(5) The costs and expenses of any mortgage further charge or release executed in pursuance of this Part shall be borne by the borrower.

(6) Any

(6) Any first mortgage as well as providing for the securing and repayment of any sum advanced on such first mortgage may also provide for the securing and repayment of further advances on any of the terms authorized by this Part in respect of advances or further advances.

Provision
for securing
further
advances.

26. (1) The instrument or deed of mortgage shall provide for the repayment of any advance or advances by quarterly or half-yearly instalments each of which, with the exception of the last instalment, shall be of equal amount and each of which shall comprise interest on the principal amount then outstanding at such rate per centum per annum as is prescribed and a sum in reduction of the principal liability.

Repayment
of advances
by equal
instalments
comprising
interest and
principal.

(2) The period for the repayment of the advances shall not exceed—

Period for
repayment
of advances.

(a) (where the house comprised in the security is of wood) thirty-one and a half years; or

(b) (where the house comprised in the security is of brick stone concrete or other material or any combination of those materials) thirty-five years.

27. (1) The Commission shall prepare tables showing how much of each and every periodic payment is a repayment on account of principal money and how much thereof is for interest.

Tables
showing
instalments of
repayments and
allocation of
interest and
principal.

(2) Every such table shall also show what balance of principal money is owing by the borrower at each periodic payment.

(3) A table prepared in conformity with the foregoing sub-sections of this section and showing the rates of repayment for an advance of One hundred pounds and compiled at the rates provided for under this Part shall be furnished to each applicant for an advance at his request.

28. (1) Any borrower who is not in arrear with any periodic payment may on any date fixed for the payment by him of interest pay off the whole or any portion (being Five pounds or a multiple of Five pounds) of the advance made to him by paying to the Commission the balance of principal money owing by him (as fixed by the said tables) or such portion thereof as aforesaid.

Payment of
whole or part
of balance
owing before
maturity.

(2) Where

(2) Where portion only of such advance is so repaid such payment shall not affect the periodic payment or the obligation of the borrower in respect thereof and the Commission shall place the amount from time to time so repaid to the credit of the borrower in its books and shall credit the borrower with interest on the amount so repaid by him at the same rate per centum per annum and calculated in the same manner as that which is payable by him on the outstanding principal amount. When the moneys standing to the credit of such borrower for money so repaid and interest thereon amount to a sum sufficient to repay the balance of the advance then unpaid according to the said tables, the Commission shall apply such moneys for such purpose and release the borrower and the land mortgaged from all claims and demands in respect of such advance.

(3) The Commission may at its discretion apply any portion of any moneys standing to the credit of any borrower as aforesaid to meet any periodic payment which is not made on the due date therefor.

Provision for
cases of
hardship.

29. (1) In cases of hardship the Commission may extend for such period on such terms and conditions as it thinks fit the time for making any payment required by this Part.

[(2) Where the time for making any payment has been so extended the payment shall bear interest for the time so extended at the same rate per centum per annum as that which is payable on the advances.

Restriction
on sale,
mortgaging, &c.

30. As between the Commission and the owner for the time being of any land on which the Commission has made an advance the following conditions shall be imposed so long as such land is subject to any mortgage in favour of the Commission, namely :—

(a) The land or any part thereof shall not be sold or contracted to be sold mortgaged transferred assigned let or sub-let by the owner without the consent in writing of the Commission, but the Commission shall not unreasonably withhold such consent in the case of a proposed purchaser transferee or tenant who is an eligible person ;

(b) Every

- (b) Every sale contract of sale mortgage transfer assignment lease or sub-lease entered into or made in contravention of the provisions of this section shall be void and of no effect;
- (c) If the owner sells or contracts to sell mortgages transfers assigns lets or sub-lets such land or any part thereof in contravention of the foregoing provision of this section the Commission may cause his estate and interest in the land to be sold.

31. (1) Every valuation for the purposes of this Part shall be made by a sworn valuator appointed under section fourteen of the *Transfer of Land Act* 1928 and approved as a valuator for the purposes of this Part by the Minister (whether generally or in respect of any particular valuation).

Valuations to be made by sworn valutors, &c.

(2) Any such sworn valuator employed by the Commission shall not by reason only of such employment be subject to the provisions of the Public Service Acts.

Nos. 3753 &c.

(3) Every sworn valuator's report on any property shall be verified in the prescribed manner and shall set forth full particulars with respect to the property and the manner in which the valuation is arrived at and such further particulars as are prescribed.

(4) If the Commission is not satisfied with the accuracy of any valuation or of any of the particulars set forth in the sworn valuator's report, the Commission shall cause a further valuation or (where the case so requires) further valuations to be made and, where two or more valuations have been so made, the lower or lowest of such valuations shall be deemed the valuation for the purposes of this Part.

Provision for further valuation.

(5) No sworn valuator shall value any property offered as a security for an advance in which such valuator or the wife or husband or any relation by blood or marriage of such valuator is directly or indirectly interested.

(6) Any sworn valuator who knowingly and wilfully—

(a) contravenes the provisions of the last preceding sub-section; or

(b) makes any false and fraudulent valuation—

shall, without prejudice to proceedings for any other offence for which he may be liable, be guilty of an offence against this Act and liable to a penalty of not more than Two hundred pounds.

32. The

Regulations.

32. The Governor in Council may make regulations for or with respect to any matter authorized or required to be prescribed or necessary or expedient to be prescribed for the purposes of this Part.

PART V.—GENERAL.

Amendment of
No. 4531 s. 3.
Administration
of Nos. 4531,
&c.

Comp. No.
3776 s. 10.

33. At the end of section three of the *Housing Act 1937* there shall be inserted the following sub-section:—

“(3) Subject to the Minister—

(a) the Commission shall administer the Slum Reclamation and Housing Acts; and

(b) the Commission shall have and may exercise the rights powers and authorities and shall discharge the duties conferred or imposed on it by the said Acts or any other Act.”

Amendment of
No. 4531 s. 4 (1).
Extension of
objects of
Commission.

34. For paragraph (b) of sub-section (1) of section four of the *Housing Act 1937* there shall be substituted the following paragraphs:—

“(b) the provision of adequate and suitable houses for letting or leasing to persons who are displaced from reclamation areas or living under unsatisfactory housing conditions and to other eligible persons; and

(c) the sale of houses to eligible persons and the making of advances to eligible persons to enable them to become the owners of their own homes.”

Amendment of
No. 4531 s. 5.
Additional
member of
Commission.

35. Section five of the *Housing Act 1937* is hereby amended as follows:—

(a) In sub-section (1) for the word “four” there shall be substituted the word “five”;

(b) At the end of paragraph (c) of sub-section (2) the word “and” is hereby repealed; and

(c) At the end of sub-section (2) there shall be inserted the following paragraph:—

“; and

(e) one shall be a person having a special knowledge of housing problems in country areas.”

36. In

36. In sub-section (2) of section nine of the *Housing Act 1937* for the words "Such other officers" there shall be substituted the words "Except as is otherwise expressly provided such other officers".

Consequential amendment of No. 4531 s. 9. As to officers of Commission.

37. (1) In paragraph (a) of section eighteen of the *Housing Act 1937* as amended by any Act for the words "Two million pounds" there shall be substituted the words "Fifteen million pounds".

Amendment of No. 4531 s. 18 as amended by No. 4583 s. 10 (1).

Increase of borrowing power of Commission.

Consequential amendments of No. 4583 ss. 2, 10 (2).

(2) In section two and in sub-section (2) of section ten of the *Slum Reclamation and Housing (Financial) Act 1938* for the words "Two million pounds" (wherever occurring) there shall be substituted the words "Fifteen million pounds".

38. (1) Part IV. of the *Slum Reclamation and Housing Act 1938* is hereby repealed.

Consequential repeal of No. 4568 Pt. IV.

(2) Such repeal shall not affect any regulation notice consent determination or lease made given or executed or anything duly done suffered or paid or any property rights privileges or powers acquired or vested or any liabilities penalties or forfeitures incurred or any agreement entered into or any proceedings taken or commenced under the said Part IV. before such repeal, and all acts matters and things of a continuing nature made done or commenced under the said Part IV. before such repeal shall, unless the contrary intention appears expressly or by necessary implication in this Act, continue in force and have the same force and effect as if made done or commenced under the corresponding provision of this Act, and this Act shall apply to and with respect to all such acts matters and things accordingly.

Saving.

(3) In section two of the *Slum Reclamation and Housing Act 1938* the expression—

Consequential amendment of No. 4568 s. 2.

"Part IV.—Provision of Houses for Persons of Limited Means"—

is hereby repealed.

(4) In paragraph (b) of sub-section (3) of section eighteen and in paragraph (i) of sub-section (1) of section twenty-one of the *Slum Reclamation and Housing Act 1938* for the expression "Part IV." there shall be substituted the expression "the *Housing Act 1943*".

Consequential amendment of No. 4568 ss. 18, 21.

39. The

Amendments
of No. 4568 ss.
8, 15, 17, 69
and repeal of
s. 71.

As to power
to make
regulations,
&c.

39. The *Slum Reclamation and Housing Act* 1938 is hereby amended as follows:—

- (a) In sub-section (7) of section eight, in sub-section (1) of section fifteen, in sub-section (1) of section seventeen and in section sixty-nine the words “on the recommendation of the Commission” are hereby repealed; and
- (b) Section seventy-one is hereby repealed.

Amendment of
No. 4568 s. 40.
Modification of
No. 3711 for
purposes of
acquisition of
land by
Commission.

40. Section forty of the *Slum Reclamation and Housing Act* 1938 is hereby amended as follows:—

- (a) In sub-section (1) after the words “Subject to” there shall be inserted the expression “sub-sections (2) and (3) of this section and”; and
- (b) At the end of sub-section (2) there shall be inserted the following sub-section:—

“(3) In lieu of giving the notice required by section nine of the *Lands Compensation Act* 1928 to each of the parties interested in any land required by the Commission or to the parties empowered by the said Act to sell and convey or grant and release the same, the Commission may with the consent of the Governor in Council publish on three occasions during the space of three weeks—

- (i) in the *Government Gazette*;
- (ii) in a daily newspaper circulating generally in Victoria; and
- (iii) in a local newspaper (if any) circulating in the locality in question—

a general notice in the prescribed form sufficiently describing any area of land required by the Commission, and upon such publication each of the parties interested in any land comprised in that area and each of the persons empowered to sell and convey or grant and release any land comprised in that area shall for all the purposes of the *Lands Compensation Act* 1928 and of this Act be deemed to have been duly served with the notice referred to in the said section nine, and the *Lands Compensation Act* 1928 shall be read and construed accordingly except

that,

that, in respect of any such party or person to whom notice is not given in the manner provided in section ten or section eleven of the said Act, the proviso to section twelve of the said Act shall be read and construed as if for the words 'two years' therein there were substituted the words 'four years'."

41. The provisions of section three and Part VI. of the *Slum Reclamation and Housing Act* 1938 as amended by any Act and by this Act shall so far as applicable and with such modifications as are necessary extend and apply to and with respect to and for the purposes of this Act.

Application of provisions of No. 4568 s. 3 and Part VI. (as amended) for purposes of this Act.