

WORKERS' HOMES.

2° and 3° GEO. VI., No. XLIII.

No. 43 of 1938.

AN ACT to make provision in the Workers' Homes Act, 1911-1928, for borrowing by the Workers' Homes Board and to amend sections six and thirteen A of the said Act, and for other purposes incidental thereto.

[Assented to 31st January, 1939.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Workers' Homes Act Amendment Act, 1938*, and shall be read as one with the

Short title.
Cf. No. 35 of
1928, s. 1.

Workers' Homes Act, 1911-1928, as amended by the Acts No. 2 of 1929 and No. 21 of 1935, hereinafter referred to as the principal Act.

Amendment
of s. 6 of
principal Act,
repeal and
new section.

2. Section six of the principal Act (as inserted by section three of the Act No. 75 of 1912 and amended by section three of the Act No. 35 of 1928) is repealed and a new section inserted in lieu thereof as follows:—

Funds.

6. (1) The funds necessary for the effectual execution of this Act shall be such moneys as are from time to time appropriated by Parliament for that purpose and such moneys as the Board may borrow under and subject to the provisions of this Act.

(2) All such moneys shall be placed to the credit of an account at the Treasury to be called the Workers' Homes Fund and applied to the purposes of this Act; and such account may be operated upon in the prescribed manner.

(3) The interest on and contributions, at a rate to be prescribed by the Treasurer, to the sinking fund for the redemption of moneys appropriated by Parliament to the purposes of this Act shall be paid by the Board to the Treasurer half-yearly and shall be applied by the Treasurer to recoup the Consolidated Revenue Fund in respect of such interest and contributions.

(4) The interest on and contributions, at a rate to be prescribed by the Governor, to the sinking fund for the redemption of moneys borrowed by the Board, when a sinking fund is created for such purpose, or the moneys for the payment of periodical instalments of principal and interest when the moneys borrowed by the Board are repayable by instalments, shall be paid by the Board to the Treasurer and shall be applied by the Treasurer in the manner hereinafter provided in the Schedule to this Act in relation to debentures issued by the Board under the authority of this Act.

(5) Moneys to the credit of the Workers' Homes Fund not immediately required for the purposes of this Act may be invested by the Treasurer on behalf of the Board in such securities as he may think fit.

3. A section is inserted in the principal Act, after section six, as follows:— New section.

6A. (1) The Board may from time to time on the recommendation of the Minister and with the approval of the Governor— Power to Board to raise money by debentures.

- (a) borrow money by the issue and sale of debentures for the purpose of raising the funds of the Board for the effectual execution of this Act;
- (b) create and issue debentures in exchange for the debentures issued in respect of moneys previously borrowed by the Board and not repaid;
- (c) create and issue and sell any such debentures for the purpose of raising money for redeeming any outstanding loans and paying any expenses incurred in the creation of debentures and otherwise carrying out the provisions of this Act;
- (d) effect any conversion authorised by this section either by arrangement with the holders of existing debentures or by the purchase thereof out of moneys raised by the sale of debentures or partly in one way and partly in the other.

(2) Before the raising of any loan by the Board is approved by the Governor, a proposal showing the term and particulars of the loan, the rate of interest to be paid thereon, the manner in which the loan is to be repaid and the purposes to which the moneys borrowed are to be applied shall be submitted by the Board to, and be approved by, the Minister.

(3) The repayment of all moneys borrowed by the Board under the authority of this section shall be and is hereby guaranteed by the State.

(4) The provisions expressed in the Schedule to this Act shall apply to all debentures issued by the Board under this section.

4. Section thirteen A of the principal Act (inserted by section six of the Act No. 75 of 1912) is amended by Amendment of s. 13A of principal Act.

deleting from subsection (2) of the said section paragraph (b) and inserting in lieu thereof a paragraph as follows:—

(b) deposit with the Board such sum as the Board may in each and every case determine: Provided that at no time shall the Board demand a greater amount as a deposit from an applicant who owns a freehold block than would be required in the case of an application for the same block as leasehold.

Schedule
added to
principal Act.

5. A Schedule is added to the principal Act at the end thereof as follows:—

SCHEDULE.

Provisions applicable to Debentures issued by the Board under section six A of this Act.

1. Debentures—

- (a) shall be in the prescribed form sealed with the seal of the Board and shall be numbered consecutively;
- (b) may be issued with or without interest coupons attached;
- (c) shall be charged and secured upon the assets and revenue of the Board;
- (d) with interest coupons (if any) attached thereto, and interest coupons, after being detached therefrom, shall be payable to bearer and shall pass by delivery and without any assignment or indorsement; and the bearer shall have the same rights as if he were expressly named as payee therein;
- (e) shall be registered in a register to be kept at the Treasury;
- (f) shall provide for payment of interest half-yearly on the last days of December and June in each year.

2. The principal sum and interest for which any debenture may be issued shall be paid with moneys in the Workers' Homes Fund appropriated as hereinafter provided and so far as moneys in such fund shall not be available for payment of such principal and interest, any such principal sum and interest

shall be chargeable upon and be paid out of the Consolidated Revenue Fund, which so soon as reasonably may be thereafter shall be recouped the amount so paid out of moneys in the Workers' Homes Fund.

3. It shall be lawful for the Board upon the issue of any debentures to provide therein for the repayment of the principal money secured thereby at the end of the term for which the principal money has been borrowed, or for the repayment of the principal money with interest by half-yearly or other periodical instalments.

4. Where by any debentures it is provided that the principal money secured thereby shall be repayable at the end of the term for which the principal money has been borrowed, then so long as such debentures remain outstanding the Board shall in each half-year ending respectively on the last days of December and June appropriate out of the Workers' Homes Fund a sum equal to the interest due on such debentures calculated up to the end of such half-year and also shall appropriate such sum, being such percentage half-yearly as may be fixed by the Governor, as a contribution half-yearly to a sinking fund which will be sufficient to liquidate the loan at the date of maturity and shall pay the said sums appropriated as aforesaid half-yearly to the Treasurer.

5. Where, by any debentures, it is provided that the principal money secured thereby, together with interest thereon, shall be repayable by half-yearly or other periodical instalments, then from time to time before any such instalment shall fall due the Board shall appropriate out of the Workers' Homes Fund a sum equal to the amount of the principal sum and interest payable by the periodical instalment then next falling due, and shall pay the sum so appropriated to the Treasurer.

6. As and when payments are made by the Board to the Treasurer under clauses (4) and (5) hereof the said payments shall be paid by the Treasurer to the credit of a special account in the Treasury to be

called The Workers' Homes Board Loan Redemption Account, and thereafter shall be applied by the Treasurer as hereinafter mentioned, namely—

- (a) As regards payments made by the Board to the Treasurer under clause (4) hereof, the Treasurer shall hold the sum appropriated for payment of interest for the purpose of paying the interest as and when it falls due and payable, and shall invest the sum appropriated as contribution to the sinking fund to accumulate at compound interest in such investments as are permitted by law in relation to the investment of trust funds in the name of the Board and the Treasurer:

Provided that—

(i) any of the moneys required to be invested as aforesaid may in lieu thereof be invested in the purchase of any of the debentures by the issue and sale whereof the loan was raised, and the debentures with the coupons belonging thereto so purchased shall be forthwith cancelled; and

(ii) during the period for which debentures purchased by the Treasurer under the authority of the next preceding paragraph of this proviso would have been current if the same had not been so purchased, a sum equal to the half-yearly interest and contribution to the sinking fund which such debentures would have carried or entailed if not so purchased shall be provided by the Board half-yearly and invested as aforesaid and paid to the credit of the sinking fund.

- (b) As regards payments made by the Board to the Treasurer under clause (5) hereof, the Treasurer shall hold the same for the purpose of paying as and when they fall due for payment the periodical instalments of principal and interest in respect of which the said payments have been appropriated by the Board and paid to the Treasurer as aforesaid.

7. All payments to debenture holders or to the holders of interest coupons which have been detached from debentures when due, whether for interest only

or for principal and interest, shall be payable by the Treasurer at the times and at the place mentioned for such payment on the face of the debenture or interest coupon, as the case may be.

8. If at the maturity of any loan there is any balance in the sinking fund formed for liquidating the loan after such loan has been liquidated, such balance shall be transferred to the Workers' Homes Fund and become part of the funds of the Board and may be used accordingly.

9. The accumulated sinking fund formed for the redemption of any loan shall be charged in priority with payment at their due date of the principal owing on or secured by the debentures in respect of which such sinking fund was created:

Provided that the accumulated sinking fund in respect of any debentures which are redeemed by the issue and sale of other debentures shall be held or used on account of the sinking fund (if any) for such other debentures.

10. With the approval of the Governor, the Board may sell and dispose of debentures beyond the limits of the State and in such case the Board may appoint agents to negotiate such sale on behalf of the Board.

11. Any person shall be entitled to obtain from the Treasurer copies or extracts certified by the officer of the Treasury in whose custody the register of debentures is kept to be true copies of, or extracts from, such register, upon payment of the prescribed fee, and any copy or extract so certified shall be admissible in evidence.

12. No notice of any trust expressed or implied or constructive shall be received by the Board or the Treasurer or by any officer of the Treasury having the custody of the register of debentures in relation to any debentures issued under this Act.

13. A person advancing money and receiving in consideration thereof any debenture issued under this Act shall not be bound to inquire into the application of the moneys advanced or be in any way responsible for the non-application or mis-application thereof.

14. (1) In case any debenture shall by accident be defaced, the Board may from time to time on such debenture being delivered to the Board cause a new debenture to be issued and delivered to the holder of such defaced debenture in lieu thereof and thereupon the debenture so defaced shall be cancelled.

(2) The debenture so to be issued in lieu of the defaced debenture shall have a like currency and shall in all respects be subject to the same rules, regulations and provisions as by this Act are declared of and concerning the debenture in substitution for which such new debenture shall be issued as aforesaid and shall bear the same number, date and amount and bear the like interest as the said defaced debenture bore respectively.

15. In case proof shall be made to the satisfaction of the Treasurer by statutory declaration or otherwise that any debenture has by casualty or mischance been lost, burnt or otherwise destroyed, it shall be lawful for the Treasurer to cause the principal money and interest due upon such debenture so lost, burnt or otherwise destroyed to be paid as the same respectively become due to the person claiming to have been the last holder of such debenture in like manner as if the original debenture had been brought in to be paid off:

Provided that the person so receiving the principal money and interest in respect of such debenture alleged to have been lost, burnt or otherwise destroyed shall give security to the satisfaction of the Treasurer against any lawful claim which may be made upon the Treasurer in respect of such debenture.

16. From and after the day appointed for the repayment of any debenture or for payment of any periodical instalment of principal and interest under any debenture all interest in respect of the principal moneys then payable shall cease and determine whether repayment of such debenture or payment of such periodical instalment has or has not been demanded.