



New South Wales

Housing Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to enable the Minister administering the *Housing Act 2001* (*the Act*)—

- (a) to exercise the same functions as the NSW Land and Housing Corporation, including to deal with land and property for the Act, and
- (b) to transfer rights, assets and liabilities between the Minister and other government entities.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Housing Act 2001 No 52

Schedule 1[2] amends the definition of *public housing* to include housing owned or leased by the Minister.

Schedule 1[4] inserts proposed Part 4, Division 6 to enable the Minister administering the Act to do the following—

- (a) deal with property, including to purchase, lease or dispose of property,
- (b) acquire land by agreement or by compulsory acquisition in accordance with the *Land Acquisition Just Terms (Compensation) Act 1991*,

- (c) accept gifts of property or the surrender of land,
- (d) exercise the same functions that the NSW Land and Housing Corporation has under any relevant legislation,
- (e) transfer assets, rights and liabilities between the Minister and government agencies.

Proposed section 35F also extends references to the Corporation in any relevant legislation to include the Minister, while an indirect Henry VIII regulation-making power is inserted to disapply other laws from the extension.

A **government agency** is defined for proposed section 35G to include the following—

- (a) another Minister,
- (b) a Public Service agency within the meaning of the *Government Sector Employment Act 2013*,
- (c) a NSW Government agency or statutory corporation,
- (d) a State owned corporation.

Schedule 1[6] enables the Minister to delegate the Minister's functions under the Act, and other Acts in certain circumstances, to—

- (a) an employee of the department in which the Act is administered, or
- (b) the NSW Land and Housing Corporation.

The amendment also enables the sub-delegation of the Minister's delegation.

Schedule 1[7] makes provision for the transfer of assets, rights and liabilities between the Minister and government agencies under proposed Part 4, Division 6.

Schedule 1[1], [3] and [5] are minor statute law revision amendments to refer to the correct department in response to machinery of government changes.