

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 November, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith.

BE

Housing (Amendment).

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 :—

1. This Act may be cited as the "Housing (Amendment) Act, 1971".

2. The Housing Act, 1912, is amended—

Amendment of Act No. 7, 1912.

(a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*";

Sec. 4. (Short heading.)

(b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars";

Sec. 4A. (Purchase or resumption not to exceed \$1,000,000.)

(c) by inserting next after section 4D the following new section :—

New sec. 4E.

4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

Power to accept gifts, &c.

(2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.

(3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.

(d)

Housing (Amendment).

(d) (i) by inserting next after subsection two of section eight the following new subsection :—

Sec. 8.
(Disposal of land and buildings.)

(2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.

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(ii) by inserting in subsection four of the same section after the word "lease" the words "or licence";

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(iii) by inserting in the same subsection after the word "rental" wherever occurring the words "or fee";

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

Sec. 9.
(Lease and licence to be in writing.)

(2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.

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(f) by inserting next after section ten the following new section :—

New sec. 10A.

10A. (1) In this section—

"land" means land that is being sold on terms by—

Agreement for alteration of dwelling referred to in agreement for sale of land.

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(a) the Commission; or

(b) the Rural Bank of New South Wales as delegate of the Commission;

"purchaser" means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph

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(a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an

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executor

Housing (Amendment).

executor of the will or an administrator of the estate of the person who has agreed to purchase the land under such an agreement;

5 “work” includes altering, enlarging, repairing, re-building and otherwise effecting improvements to or in respect of a dwelling and the installation of water supply and sewerage services and the connection of those services to existing mains or submains of a water supply or sewerage authority.

10 (2) Subject to subsections four and five of this section, the Commission may upon a request made in accordance with subsection three of this section, carry out any work specified in the request.

15 (3) A request for any work to be carried out in respect of a dwelling erected on any land shall be in writing and may be made to the Commission—

20 (a) where there is one purchaser of the land, by that purchaser or, where there are two or more purchasers of the land, by all of those purchasers; or

(b) where—

25 (i) there is one purchaser of the land, and that purchaser does not ordinarily reside in the dwelling erected thereon—by the spouse of that purchaser if that spouse ordinarily resides in the dwelling, or
30 by any child of that spouse over the age of eighteen years who ordinarily resides in the dwelling or jointly by that spouse and child; or

35 (ii) there are two or more purchasers of the land and one or more of those purchasers does not ordinarily reside in the dwelling erected thereon—
by any purchaser who ordinarily resides

Housing (Amendment).

resides in the dwelling or by any child of any such purchaser over the age of eighteen years who ordinarily resides in the dwelling or jointly by any such purchaser and child.

(4) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (a) of subsection three of this section unless a written agreement has been executed by the purchaser or all of the purchasers, as the case may be, and the Commission—

(a) in which the purchaser agrees, or all of the purchasers agree, to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount within one month after service upon him or them of a copy of that certificate; or

(b) in which the purchaser agrees, or all of the purchasers agree, to a variation of the agreement for the sale of land—

(i) by increasing the balance of the purchase money payable under the agreement for the sale of land by an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission; and

(ii) by increasing the amount of the monthly instalments of purchase money payable under the agreement for the sale of land to an amount to

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Housing (Amendment).

be determined by the Commission and specified in the certificate of the Accountant of the Commission.

5 (5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

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- (a) within one month after service upon him or them of a copy of that certificate; or
 - (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.
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(6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

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(7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

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(8)

Housing (Amendment).

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

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3. Any licence granted by the Commission before the commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971
[10c]

HOUSING (AMENDMENT) ACT

(8) This section shall apply to an estate
created for the sale of land upon which a dwelling
is created whether executed before or after the
commencement of the Housing (Amendment) Act

1971

A. Any license granted by the Commission before the
commencement of this Act in respect of land vested in
any person which is not a dwelling shall be deemed to have
been granted at the time the license was granted in respect
of the land.

10 substituted

No. , 1971.

A BILL

To extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith.

[MR STEPHENS—30 *September*, 1971.]

BE

Housing (Amendment).

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 :—

1. This Act may be cited as the "Housing (Amendment) Act, 1971" (No. 2).

2. The Housing Act, 1912, is amended—

Amend-
ment of
Act No. 7,
1912.

(a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*";

Sec. 4.
(Short
heading.)

(b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars";

Sec. 4A.
(Purchase
or resump-
tion not to
exceed
\$1,000,000.)

(c) by inserting next after section 4D the following new section :—

New sec.
4E.

4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

Power to
accept
gifts, &c.

(2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.

(3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.

(d)

Housing (Amendment).

- (d) (i) by inserting next after subsection two of section eight the following new subsection :— Sec. 8.
(Disposal of land and buildings.)
- 5 (2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.
- 10 (ii) by inserting in subsection four of the same section after the word "lease" the words "or licence";
- (iii) by inserting in the same subsection after the word "rental" wherever occurring the words "or fee";
- 15 (e) by inserting at the end of section nine the following new subsection :— Sec. 9.
(Lease and licence to be in writing.)
- (2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.
- 20 (f) by inserting next after section ten the following new section :— New sec. 10A.
- 10A. (1) In this section— Agreement for alteration of dwelling referred to in agreement for sale of land.
- "land" means land that is being sold on terms by—
- 25 (a) the Commission; or
- (b) the Rural Bank of New South Wales as delegate of the Commission;
- "purchaser" means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph (a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an
- 30
- 35 executor

Housing (Amendment).

executor of the will or an administrator of the estate of the person who has agreed to purchase the land under such an agreement;

5 “work” includes altering, enlarging, repairing, re-building and otherwise effecting improvements to or in respect of a dwelling and the installation of water supply and sewerage services and the connection of those services to existing mains or submains of a water supply or sewerage authority.

10 (2) Subject to subsections four and five of this section, the Commission may upon a request made in accordance with subsection three of this section, carry out any work specified in the request.

15 (3) A request for any work to be carried out in respect of a dwelling erected on any land shall be in writing and may be made to the Commission—

20 (a) where there is one purchaser of the land, by that purchaser or, where there are two or more purchasers of the land, by all of those purchasers; or

(b) where—

25 (i) there is one purchaser of the land, and that purchaser does not ordinarily reside in the dwelling erected thereon—by the spouse of that purchaser if that spouse ordinarily resides in the dwelling, or
30 by any child of that spouse over the age of eighteen years who ordinarily resides in the dwelling or jointly by that spouse and child; or

35 (ii) there are two or more purchasers of the land and one or more of those purchasers does not ordinarily reside in the dwelling erected thereon—
by any purchaser who ordinarily resides

Housing (Amendment).

5 resides in the dwelling or by any
child of any such purchaser over
the age of eighteen years who ordin-
arily resides in the dwelling or
jointly by any such purchaser and
child.

(4) The Commission shall not commence
to carry out any work pursuant to a request made in
accordance with paragraph (a) of subsection three
10 of this section unless a written agreement has been
executed by the purchaser or all of the purchasers,
as the case may be, and the Commission—

(a) in which the purchaser agrees, or all of the
15 purchasers agree, to pay in respect of the
work an amount to be determined by the
Commission not exceeding the cost of the
work and specified in a certificate of the
Accountant of the Commission and to pay
20 that amount within one month after service
upon him or them of a copy of that
certificate; or

(b) in which the purchaser agrees, or all of the
purchasers agree, to a variation of the
agreement for the sale of land—

25 (i) by increasing the balance of the
purchase money payable under the
agreement for the sale of land by an
amount to be determined by the
Commission not exceeding the cost
30 of the work and specified in a certi-
ficate of the Accountant of the
Commission; and

(ii) by increasing the amount of the
35 monthly instalments of purchase
money payable under the agreement
for the sale of land to an amount to

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Housing (Amendment).

be determined by the Commission and specified in the certificate of the Accountant of the Commission.

5 (5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

- 10 (a) within one month after service upon him or them of a copy of that certificate; or
- 15 (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.

20 (6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

25 (7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

(8)

Housing (Amendment).

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

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3. Any licence granted by the Commission before the Validation commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby
10 validated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

Housing (Amendment)

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act

1971

3. Any licence granted by the Commission before the commencement of this Act in respect of land used or to be used by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated.

PROOF

HOUSING (AMENDMENT) BILL, 1971 (No. 2)

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase from two hundred thousand dollars to one million dollars the value of land that may be acquired under the Housing Act, 1912, without prior approval of Parliament;
- (b) to extend the existing powers of the Housing Commission in regard to the leasing of land;
- (c) to authorise the Housing Commission, where the purchaser so requests, to make alterations or effect improvements to dwellings sold on terms;
- (d) to authorise the Housing Commission to accept a gift;
- (e) to validate certain licences granted by the Commission in respect of vacant land; and
- (f) to make other provisions of a consequential or ancillary nature.

PROOF

HOUSING (AMENDMENT) BILL, 1971 (No. 2)

THE HON. MEMBER FOR ...

... the Government ...
... to ...
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PROOF

No. , 1971.

A BILL

To extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith.

[MR STEPHENS—30 *September*, 1971.]

BE

Housing (Amendment).

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 :—

1. This Act may be cited as the "Housing (Amendment) Act, 1971" (No. 2). Short title.

2. The Housing Act, 1912, is amended—

- (a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*"; Amendment of Act No. 7, 1912. Sec. 4. (Short heading.)
- (b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars"; Sec. 4A. (Purchase or resumption not to exceed \$1,000,000.)
- (c) by inserting next after section 4D the following new section :— New sec. 4E.
- 4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest. Power to accept gifts, &c.
- (2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.
- (3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.
- (d)

Housing (Amendment).

(d) (i) by inserting next after subsection two of section eight the following new subsection :—

Sec. 8.
(Disposal
of land and
buildings.)

5

(2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.

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(ii) by inserting in subsection four of the same section after the word "lease" the words "or licence";

(iii) by inserting in the same subsection after the word "rental" wherever occurring the words "or fee";

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

Sec. 9.
(Lease and
licence to
be in
writing.)

(2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.

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(f) by inserting next after section ten the following new section :—

New sec.
10A.

10A. (1) In this section—

"land" means land that is being sold on terms by—

Agreement
for altera-
tion of
dwelling
referred to
in agree-
ment for
sale of
land.

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(a) the Commission; or

(b) the Rural Bank of New South Wales as delegate of the Commission;

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"purchaser" means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph (a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an

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executor

Housing (Amendment).

executor of the will or an administrator of the estate of the person who has agreed to purchase the land under such an agreement;

5 “work” includes altering, enlarging, repairing, re-building and otherwise effecting improvements to or in respect of a dwelling and the installation of water supply and sewerage services and the connection of those services to existing mains or submains of a water
10 supply or sewerage authority.

(2) Subject to subsections four and five of this section, the Commission may upon a request made in accordance with subsection three of this section, carry out any work specified in the request.

15 (3) A request for any work to be carried out in respect of a dwelling erected on any land shall be in writing and may be made to the Commission—

20 (a) where there is one purchaser of the land, by that purchaser or, where there are two or more purchasers of the land, by all of those purchasers; or

(b) where—

25 (i) there is one purchaser of the land, and that purchaser does not ordinarily reside in the dwelling erected thereon—by the spouse of that purchaser if that spouse ordinarily resides in the dwelling, or
30 by any child of that spouse over the age of eighteen years who ordinarily resides in the dwelling or jointly by that spouse and child; or

35 (ii) there are two or more purchasers of the land and one or more of those purchasers does not ordinarily reside in the dwelling erected thereon—by any purchaser who ordinarily resides

Housing (Amendment).

5 resides in the dwelling or by any
child of any such purchaser over
the age of eighteen years who ordin-
arily resides in the dwelling or
jointly by any such purchaser and
child.

10 (4) The Commission shall not commence
to carry out any work pursuant to a request made in
accordance with paragraph (a) of subsection three
of this section unless a written agreement has been
executed by the purchaser or all of the purchasers,
as the case may be, and the Commission—

15 (a) in which the purchaser agrees, or all of the
purchasers agree, to pay in respect of the
work an amount to be determined by the
Commission not exceeding the cost of the
work and specified in a certificate of the
Accountant of the Commission and to pay
20 that amount within one month after service
upon him or them of a copy of that
certificate; or

(b) in which the purchaser agrees, or all of the
purchasers agree, to a variation of the
agreement for the sale of land—

25 (i) by increasing the balance of the
purchase money payable under the
agreement for the sale of land by an
amount to be determined by the
Commission not exceeding the cost
30 of the work and specified in a certi-
ficate of the Accountant of the
Commission; and

35 (ii) by increasing the amount of the
monthly instalments of purchase
money payable under the agreement
for the sale of land to an amount to

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Housing (Amendment).

be determined by the Commission and specified in the certificate of the Accountant of the Commission.

5 (5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

(a) within one month after service upon him or them of a copy of that certificate; or

20 (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.

25 (6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

30 (7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

(8)

Housing (Amendment).

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

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3. Any licence granted by the Commission before the commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 45, 1971.

An Act to extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith. [Assented to, 14th December, 1971.]

BE

Housing (Amendment).

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 "Housing (Amendment) Act, 1971".

Amendment of Act No. 7, 1912.

2. The Housing Act, 1912, is amended—

Sec. 4.
(Short heading.)

(a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*";

Sec. 4A.
(Purchase or resumption not to exceed \$1,000,000.)

(b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars";

New sec. 4E.

(c) by inserting next after section 4D the following new section :—

Power to accept gifts, &c.

4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.

(3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.

(d)

Housing (Amendment).

- (d) (i) by inserting next after subsection two of section eight the following new subsection :— **Sec. 8.**
(Disposal of land and buildings.)
- (2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.
- (ii) by inserting in subsection four of the same section after the word "lease" the words "or licence";
- (iii) by inserting in the same subsection after the word "rental" wherever occurring the words "or fee";
- (e) by inserting at the end of section nine the following new subsection :— **Sec. 9.**
(Lease and licence to be in writing.)
- (2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.
- (f) by inserting next after section ten the following new section :— **New sec. 10A.**
- 10A. (1) In this section—
- "land" means land that is being sold on terms by—
- (a) the Commission; or
- (b) the Rural Bank of New South Wales as delegate of the Commission;
- "purchaser" means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph (a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an executor
- Agreement for alteration of dwelling referred to in agreement for sale of land.

Housing (Amendment).

executor of the will or an administrator of the estate of the person who has agreed to purchase the land under such an agreement ;
“work” includes altering, enlarging, repairing, re-building and otherwise effecting improvements to or in respect of a dwelling and the installation of water supply and sewerage services and the connection of those services to existing mains or submains of a water supply or sewerage authority.

(2) Subject to subsections four and five of this section, the Commission may upon a request made in accordance with subsection three of this section, carry out any work specified in the request.

(3) A request for any work to be carried out in respect of a dwelling erected on any land shall be in writing and may be made to the Commission—

- (a) where there is one purchaser of the land, by that purchaser or, where there are two or more purchasers of the land, by all of those purchasers ; or
- (b) where—
 - (i) there is one purchaser of the land, and that purchaser does not ordinarily reside in the dwelling erected thereon—by the spouse of that purchaser if that spouse ordinarily resides in the dwelling, or by any child of that spouse over the age of eighteen years who ordinarily resides in the dwelling or jointly by that spouse and child ; or
 - (ii) there are two or more purchasers of the land and one or more of those purchasers does not ordinarily reside in the dwelling erected thereon—by any purchaser who ordinarily resides

Housing (Amendment).

resides in the dwelling or by any child of any such purchaser over the age of eighteen years who ordinarily resides in the dwelling or jointly by any such purchaser and child.

(4) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (a) of subsection three of this section unless a written agreement has been executed by the purchaser or all of the purchasers, as the case may be, and the Commission—

- (a) in which the purchaser agrees, or all of the purchasers agree, to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount within one month after service upon him or them of a copy of that certificate; or
- (b) in which the purchaser agrees, or all of the purchasers agree, to a variation of the agreement for the sale of land—
 - (i) by increasing the balance of the purchase money payable under the agreement for the sale of land by an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission; and
 - (ii) by increasing the amount of the monthly instalments of purchase money payable under the agreement for the sale of land to an amount to

Housing (Amendment)

be determined by the Commission and specified in the certificate of the Accountant of the Commission.

(5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

- (a) within one month after service upon him or them of a copy of that certificate; or
- (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.

(6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

(7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

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(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

3. Any licence granted by the Commission before the commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated. **Validation.**

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

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...

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 November, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 45, 1971.

An Act to extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith. [Assented to, 14th December, 1971.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Housing (Amendment).

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 "Housing (Amendment) Act, 1971".

Amend-
ment of
Act No. 7,
1912.

2. The Housing Act, 1912, is amended—

Sec. 4.
(Short
heading.)

(a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*";

Sec. 4A.
(Purchase
or resump-
tion not to
exceed
\$1,000,000.)

(b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars";

New sec.
4E.

(c) by inserting next after section 4D the following new section:—

Power to
accept
gifts, &c.

4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.

(3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.

(d)

Housing (Amendment).

- (d) (i) by inserting next after subsection two of section eight the following new subsection :— Sec. 8.
(Disposal of land and buildings.)
- (2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.
- (ii) by inserting in subsection four of the same section after the word "lease" the words "or licence";
- (iii) by inserting in the same subsection after the word "rental" wherever occurring the words "or fee";
- (e) by inserting at the end of section nine the following new subsection :— Sec. 9.
(Lease and licence to be in writing.)
- (2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.
- (f) by inserting next after section ten the following new section :— New sec. 10A.
- 10A. (1) In this section—
- "land" means land that is being sold on terms by—
- (a) the Commission; or
- (b) the Rural Bank of New South Wales as delegate of the Commission;
- "purchaser" means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph (a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an executor

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executor of the will or an administrator of the estate of the person who has agreed to purchase the land under such an agreement;

“work” includes altering, enlarging, repairing, re-building and otherwise effecting improvements to or in respect of a dwelling and the installation of water supply and sewerage services and the connection of those services to existing mains or submains of a water supply or sewerage authority.

(2) Subject to subsections four and five of this section, the Commission may upon a request made in accordance with subsection three of this section, carry out any work specified in the request.

(3) A request for any work to be carried out in respect of a dwelling erected on any land shall be in writing and may be made to the Commission—

(a) where there is one purchaser of the land, by that purchaser or, where there are two or more purchasers of the land, by all of those purchasers; or

(b) where—

(i) there is one purchaser of the land, and that purchaser does not ordinarily reside in the dwelling erected thereon—by the spouse of that purchaser if that spouse ordinarily resides in the dwelling, or by any child of that spouse over the age of eighteen years who ordinarily resides in the dwelling or jointly by that spouse and child; or

(ii) there are two or more purchasers of the land and one or more of those purchasers does not ordinarily reside in the dwelling erected thereon—by any purchaser who ordinarily resides

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resides in the dwelling or by any child of any such purchaser over the age of eighteen years who ordinarily resides in the dwelling or jointly by any such purchaser and child.

(4) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (a) of subsection three of this section unless a written agreement has been executed by the purchaser or all of the purchasers, as the case may be, and the Commission—

- (a) in which the purchaser agrees, or all of the purchasers agree, to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount within one month after service upon him or them of a copy of that certificate; or
- (b) in which the purchaser agrees, or all of the purchasers agree, to a variation of the agreement for the sale of land—
 - (i) by increasing the balance of the purchase money payable under the agreement for the sale of land by an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission; and
 - (ii) by increasing the amount of the monthly instalments of purchase money payable under the agreement for the sale of land to an amount to

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Housing (Amendment).

be determined by the Commission and specified in the certificate of the Accountant of the Commission.

(5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

- (a) within one month after service upon him or them of a copy of that certificate; or
- (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.

(6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

(7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

(8)

Housing (Amendment).

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

3. Any licence granted by the Commission before the Validation. commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1971.*

