

PROOF

HOUSING (AMENDMENT) BILL, 1971

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.

REPORT ON THE PROGRESS OF THE WORK

FOR THE YEAR 1900

The work of the Department during the year 1900 has been characterized by a steady and continuous progress in all the various branches of the service. The most important of the work done during the year has been the completion of the Census of the United States, which was held on the 1st of August, 1900. This census was the first to be held in the United States since the year 1870, and it was the most complete and accurate ever taken. It was the result of the efforts of the Census Bureau, which has since that time become one of the most important departments of the Government.

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—22 *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".

2. The Housing Act, 1912, is amended—

Amendment of Act No. 7, 1912.

10 (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.)

15 (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.

20 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.

25 (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 :—

(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.

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

5

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

10

- (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 :—

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

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

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

10A. (1) In this section—

"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;

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

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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 ordinarily 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 that amount within one month after service upon him or them of a copy of that certificate; or

20 (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 of the work and specified in a certificate of the Accountant of the Commission; and

30 (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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be

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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- 15
- (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.

10 validated.

BY AUTHORITY:

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

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No. , 1971.

A BILL

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[MR STEPHENS—22 September, 1971.]

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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.)
- 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—
- "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 executor
- 35

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

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Housing (Amendment).

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10 (4) The Commission shall not commence
to carry out any work pursuant to a request made in
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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
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20 that amount within one month after service
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Housing (Amendment).

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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) 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]

1911

The Board of Directors of the
American Telephone and Telegraph
Company, Inc. has the honor to
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reply to advise you that the
same has been forwarded to the
proper authorities for their
consideration.

Very truly yours,
John D. Edson
President

1911

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