

CONCURRENCE COPY

HOUSING (JOINT VENTURES) AMENDMENT BILL, 1982

EXPLANATORY NOTE

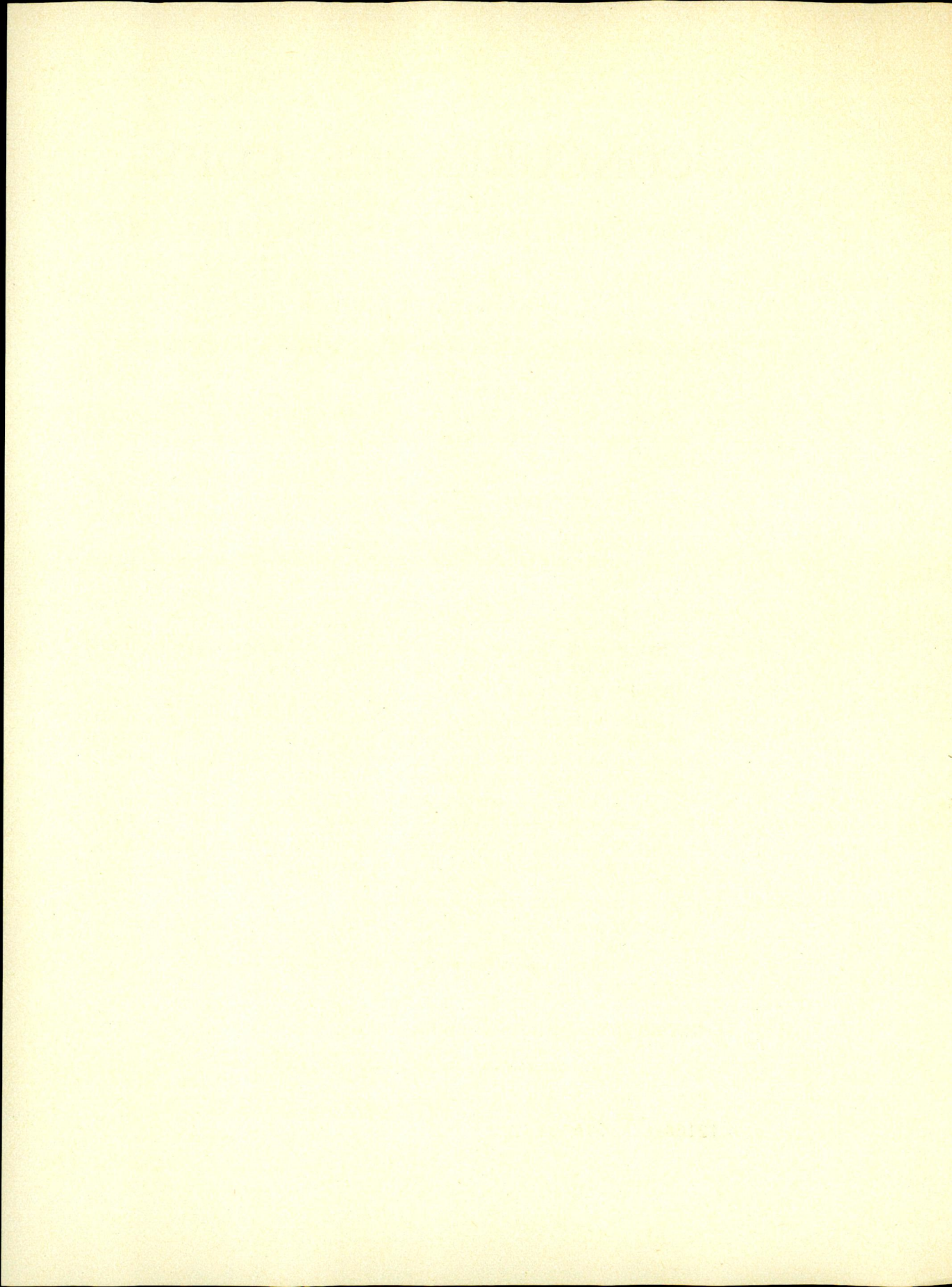
(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to remove certain restrictions on the power of the Housing Commission of New South Wales ("the Commission") to lease land or grant licences for the use of land and, in particular—
- (i) to enable the Commission to lease land for a term not exceeding 99 years instead of 7 years in the case of leases for residential purposes and 15 years in the case of leases for certain other purposes;
 - (ii) to remove the requirement that a lease contain a condition of re-entry on the rent not being paid within a specified time, not exceeding 30 days;
 - (iii) to remove the requirement that a lease take effect in possession not later than 3 months after it is made; and
 - (iv) to enable the Commission to grant a licence to any person to use land whether buildings are erected on the land or not,
- (Schedule 1 (1)); and
- (b) to authorise the Commission, with the approval of the Minister, to participate in joint ventures with other persons or bodies with respect to the development, management and disposal of land for residential, business, public or other purposes and, in particular—
- (i) to enable the Commission to join in the formation of a company and to become a shareholder in a company;
 - (ii) to authorise the Commission to guarantee the due performance of certain obligations and liabilities of, and to invest in, a company in which it has a controlling interest or any person or body acting for or on behalf of a joint venture; and
 - (iii) to provide that a public authority may not enter into a joint venture with the Commission unless the concurrence of the Treasurer and the Minister responsible for the public authority is obtained,

(Schedule 1 (2)).

The Bill also contains certain savings provisions (clause 3).



HOUSING (JOINT VENTURES) AMENDMENT BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend the Housing Act, 1912, with respect to the powers of the Housing Commission of New South Wales to lease land and to participate with others in the development, management and disposal of land, and for other purposes.

[MR SHEAHAN—22 *September*, 1982.]

Housing (Joint Ventures) 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:—

5 Short title.

1. This Act may be cited as the "Housing (Joint Ventures) Amendment Act, 1982".

Amendment of Act No. 7, 1912.

2. The Housing Act, 1912, is amended in the manner set forth in 10 Schedule 1.

Savings provisions.

3. (1) Any lease or licence duly made or granted pursuant to section 8 of the Housing Act, 1912, and in existence immediately before the date of assent to this Act shall be deemed to have been made or granted pursuant to 15 section 8 or 9, as the case may be, of that Act, as amended by this Act.

(2) Any regulations referred to in section 8 (6) of the Housing Act, 1912, and in force immediately before the date of assent to this Act shall be deemed to have been made under that Act, as amended by this Act.

SCHEDULE 1.

20

AMENDMENTS TO THE HOUSING ACT, 1912.

(Sec. 2.)

(1) Sections 8, 9—

Omit the sections, insert instead:—

Power to lease land.

25

8. (1) The Commission may lease any land vested in or acquired by the Commission for such term (not exceeding 99 years) and upon such conditions as it may determine.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

5 (2) The Commission may give to the lessee of any lease under subsection (1) an option of renewal if the aggregate duration of the lease and any such renewal does not exceed 99 years.

(3) A lease under subsection (1) may be made at such rental as the Commission may determine, whether that rental is the best rental that can reasonably be obtained or not.

10 (4) The Commission may, in such circumstances and subject to such conditions as may be prescribed, grant rebates of rental to a tenant of any dwelling-house of the Commission.

Power to grant licence.

15 9. (1) The Commission may grant a licence to any person to use any land vested in or acquired by the Commission upon such conditions as it may determine.

(2) A licence granted pursuant to subsection (1) may provide for the payment by the licensee of such fee as the Commission may determine, whether that fee is the best fee that can reasonably be obtained or not.

20 (2) Sections 16, 16A—

After section 15, insert:—

Power to enter into joint ventures.

25 16. (1) In this section—
“affiliate” means any company in which the Commission has a controlling interest by virtue of its shareholding in the capital of the company;

“joint venture” includes partnership or other association.

30 (2) The Commission may, with the approval of the Minister but subject to section 16A, enter into a joint venture with other persons or bodies for the purpose of the development, management or disposal of land for residential, business, public or other purposes.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

5 (3) For the purpose of the development, management or disposal of land pursuant to subsection (2), the Commission may, with the approval of the Minister—

(a) join in the formation of any company to be incorporated in New South Wales; and

10 (b) purchase, hold, dispose of or deal with shares in, or subscribe to the issue of shares by, any company incorporated in New South Wales.

(4) An affiliate formed for a commercial purpose is not and does not represent the Crown.

15 (5) The Commission may, with the approval of the Minister, guarantee the due performance of any covenants, promises, obligations or liabilities (including the repayment of loans, bank overdrafts or other financial accommodation and the payment of interest thereon) undertaken by or imposed upon—

(a) an affiliate; or

20 (b) any person or body acting for or on behalf of a joint venture referred to in subsection (2).

(6) The Commission may, with the approval of the Minister, make advances of money or provide other financial accommodation to—

(a) an affiliate; or

25 (b) any person or body acting for or on behalf of a joint venture referred to in subsection (2).

30 (7) The Commission may, for the purpose of the development, management or disposal of land pursuant to subsection (2), do all things not expressly authorised by this Act that are necessary or convenient for, or incidental to, that purpose.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

Joint ventures with public authorities.

5 16A. (1) The Commission shall not enter into a joint venture referred to in section 16 (2) with a public authority constituted by or under an Act without the concurrence of the Minister administering that Act and of the Treasurer.

10 (2) Notwithstanding anything in any other Act, any public authority constituted by or under an Act is hereby authorised or empowered to enter into a joint venture referred to in section 16 (2), and for that purpose may do or suffer anything necessary or convenient for, or incidental to, carrying out the joint venture.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

**HOUSING (JOINT VENTURES) AMENDMENT ACT, 1982,
No. 105**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 105, 1982.

An Act to amend the Housing Act, 1912, with respect to the powers of the Housing Commission of New South Wales to lease land and to participate with others in the development, management and disposal of land, and for other purposes. [Assented to, 19th November, 1982.]

Housing (Joint Ventures) 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 (Joint Ventures) Amendment Act, 1982".

Amendment of Act No. 7, 1912.

2. The Housing Act, 1912, is amended in the manner set forth in Schedule 1.

Savings provisions.

3. (1) Any lease or licence duly made or granted pursuant to section 8 of the Housing Act, 1912, and in existence immediately before the date of assent to this Act shall be deemed to have been made or granted pursuant to section 8 or 9, as the case may be, of that Act, as amended by this Act.

(2) Any regulations referred to in section 8 (6) of the Housing Act, 1912, and in force immediately before the date of assent to this Act shall be deemed to have been made under that Act, as amended by this Act.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE HOUSING ACT, 1912.

(1) Sections 8, 9—

Omit the sections, insert instead:—

Power to lease land.

8. (1) The Commission may lease any land vested in or acquired by the Commission for such term (not exceeding 99 years) and upon such conditions as it may determine.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

(2) The Commission may give to the lessee of any lease under subsection (1) an option of renewal if the aggregate duration of the lease and any such renewal does not exceed 99 years.

(3) A lease under subsection (1) may be made at such rental as the Commission may determine, whether that rental is the best rental that can reasonably be obtained or not.

(4) The Commission may, in such circumstances and subject to such conditions as may be prescribed, grant rebates of rental to a tenant of any dwelling-house of the Commission.

Power to grant licence.

9. (1) The Commission may grant a licence to any person to use any land vested in or acquired by the Commission upon such conditions as it may determine.

(2) A licence granted pursuant to subsection (1) may provide for the payment by the licensee of such fee as the Commission may determine, whether that fee is the best fee that can reasonably be obtained or not.

(2) Sections 16, 16A—

After section 15, insert:—

Power to enter into joint ventures.

16. (1) In this section—

“affiliate” means any company in which the Commission has a controlling interest by virtue of its shareholding in the capital of the company;

“joint venture” includes partnership or other association.

(2) The Commission may, with the approval of the Minister but subject to section 16A, enter into a joint venture with other persons or bodies for the purpose of the development, management or disposal of land for residential, business, public or other purposes.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

(3) For the purpose of the development, management or disposal of land pursuant to subsection (2), the Commission may, with the approval of the Minister—

- (a) join in the formation of any company to be incorporated in New South Wales; and
- (b) purchase, hold, dispose of or deal with shares in, or subscribe to the issue of shares by, any company incorporated in New South Wales.

(4) An affiliate formed for a commercial purpose is not and does not represent the Crown.

(5) The Commission may, with the approval of the Minister, guarantee the due performance of any covenants, promises, obligations or liabilities (including the repayment of loans, bank overdrafts or other financial accommodation and the payment of interest thereon) undertaken by or imposed upon—

- (a) an affiliate; or
- (b) any person or body acting for or on behalf of a joint venture referred to in subsection (2).

(6) The Commission may, with the approval of the Minister, make advances of money or provide other financial accommodation to—

- (a) an affiliate; or
- (b) any person or body acting for or on behalf of a joint venture referred to in subsection (2).

(7) The Commission may, for the purpose of the development, management or disposal of land pursuant to subsection (2), do all things not expressly authorised by this Act that are necessary or convenient for, or incidental to, that purpose.

Housing (Joint Ventures) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE HOUSING ACT, 1912—*continued.*

Joint ventures with public authorities.

16A. (1) The Commission shall not enter into a joint venture referred to in section 16 (2) with a public authority constituted by or under an Act without the concurrence of the Minister administering that Act and of the Treasurer.

(2) Notwithstanding anything in any other Act, any public authority constituted by or under an Act is hereby authorised or empowered to enter into a joint venture referred to in section 16 (2), and for that purpose may do or suffer anything necessary or convenient for, or incidental to, carrying out the joint venture.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 19th November, 1982.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982





