

HOUSING (AMENDMENT) BILL 1985

EXPLANATORY NOTE

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

This Bill is cognate with the Housing Bill 1985.

The objects of this Bill are to amend the Housing Act 1912 so as—

- (a) to omit provisions constituting the Housing Commission;
 - (b) to confer certain functions formerly exercised by the Housing Commission on the New South Wales Land and Housing Corporation proposed to be constituted by the Housing Bill 1985; and
 - (c) to omit certain other provisions that are no longer necessary or that are dealt with by cognate legislation.
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The Bill contains the following provisions:

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on 1 January 1986.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Housing Act 1912.

Schedule 1 (1) amends the long title of the Principal Act so as to reflect the new legislative arrangements, whereby the Corporation proposed to be constituted under the Housing Bill 1985 will exercise, among other matters, functions under the Principal Act.

Schedule 1 (2) omits, by way of statute law revision, the arrangement provision (which will be replaced by a Table of Provisions).

Schedule 1 (3) (a) repeals various definitions which are no longer operative.

Schedule 1 (3) (b) inserts a definition of "Corporation".

Schedule 1 (3) (c) amends the definition of "Housing Account" as a consequence of the re-establishment of the Housing Account by the proposed Housing Act 1985.

Schedule 1 (3) (d) inserts a definition of "Housing Acts", which is defined to mean the Housing Act 1912, the renamed Housing Act 1976 (at present called the Land Commission Act 1976) and the Housing Act 1985.

Schedule 1 (3) (e) is consequential upon the insertion of the definition of "Corporation".

Schedule 1 (4) repeals Parts of the Principal Act containing various sections which are no longer operative or which have been adopted by the proposed Housing Act 1985.

Schedule 1 (5) repeals various sections of the Principal Act which are either no longer operative or which have been adopted by the proposed Housing Act 1985.

Schedule 1 (6) is consequential upon the amendment effected by Schedule 1 (5).

Schedule 1 (7) makes it an offence to demolish or damage any building within a housing area without the consent of the Corporation.

Schedule 1 (8) amends various sections of the Principal Act so as to substitute references to the Corporation for references to the Housing Commission.

Schedule 1 (9) omits words that are no longer necessary following an amendment proposed by Schedule 1 (8).

Schedule 1 (10) is a consequential amendment to the heading of Part IIb of the Principal Act.

Schedule 1 (11) extends the effect of section 47 of the Principal Act to the other Housing Acts. That section excludes certain provisions of the Public Works Act 1912, namely, section 91 (accommodation works) and section 97 (notice to be given concerning taking of houses).

Schedule 1 (12) omits Schedules 1 and 2 to the Principal Act, which relate to the membership and procedure of the Housing Commission.

HOUSING (AMENDMENT) BILL 1985

No. , 1985

A BILL FOR

An Act to amend the Housing Act 1912 as a consequence of, and in connection with, the enactment of the Housing Act 1985, and in certain other respects.

Housing (Amendment) 1985

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 (Amendment) Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on 1 January 1986.

Amendment of Act No. 7, 1912

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

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE HOUSING ACT 1912**(1) Long title—**

Omit the long title, insert instead:

20

An Act to provide for the exercise by the New South Wales Land and Housing Corporation of certain functions relating to housing and land supply; and for other purposes.

(2) Section 1A—

25

Omit the section.

(3) (a) Section 2 (1), definitions of "Chairman", "Chief Executive", "Commission", "member", "part-time member"—

Omit the definitions.

*Housing (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE HOUSING ACT 1912—*continued*

- (b) Section 2 (1), definition of “Corporation”—
 Before the definition of “dwelling-house”, insert:
 “Corporation” means the New South Wales Land and Housing Corporation constituted by the Housing Act 1985;
- 5 (c) Section 2 (1), definition of “Housing Account”—
 Omit “this Act”, insert instead “the Housing Act 1985”.
- (d) Section 2 (1), definition of “Housing Acts”—
 After the definition of “Housing Account”, insert:
 “Housing Acts” means this Act, the Housing Act 1976 and the
 10 Housing Act 1985;
- (e) Section 2 (1), definition of “purchaser”—
 Omit “Commission”, insert instead “Corporation”.
- (4) Parts IA, IIA—
 Omit the Parts.
- 15 (5) Sections 4, 4B, 4E, 5, 6, 6A, 8, 9, 10, 10AA, 10AB, 10AC, 10A, 11, 11A, 13, 13B, 36, 37, 40H–40P, 44—
 Omit the sections.
- (6) Section 4C—
 20 Omit “section 4” wherever occurring, insert instead “the Housing Acts”.
- (7) (a) Section 4D (4) (a)—
 After “rebuild,”, insert “demolish, damage,”.
- (b) Section 4D (5) (b1)—
 After section 4D (5) (b), insert:
 25 (b1) Any person who contravenes any provision of subsection (4) (a) is guilty of an offence against this Act.

Housing (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE HOUSING ACT 1912—*continued*

(8) Sections 4D, 7, 7A, 7B, 12, 16, 16A, 17, 18, 18B, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 39A, 40F, 40G, 41, 42, 43, 48, 49—

Omit “Commission” wherever occurring, insert instead “Corporation”.

5 (9) Section 7B—

Omit “and be deemed always to have had”.

(10) Part IIB, heading—

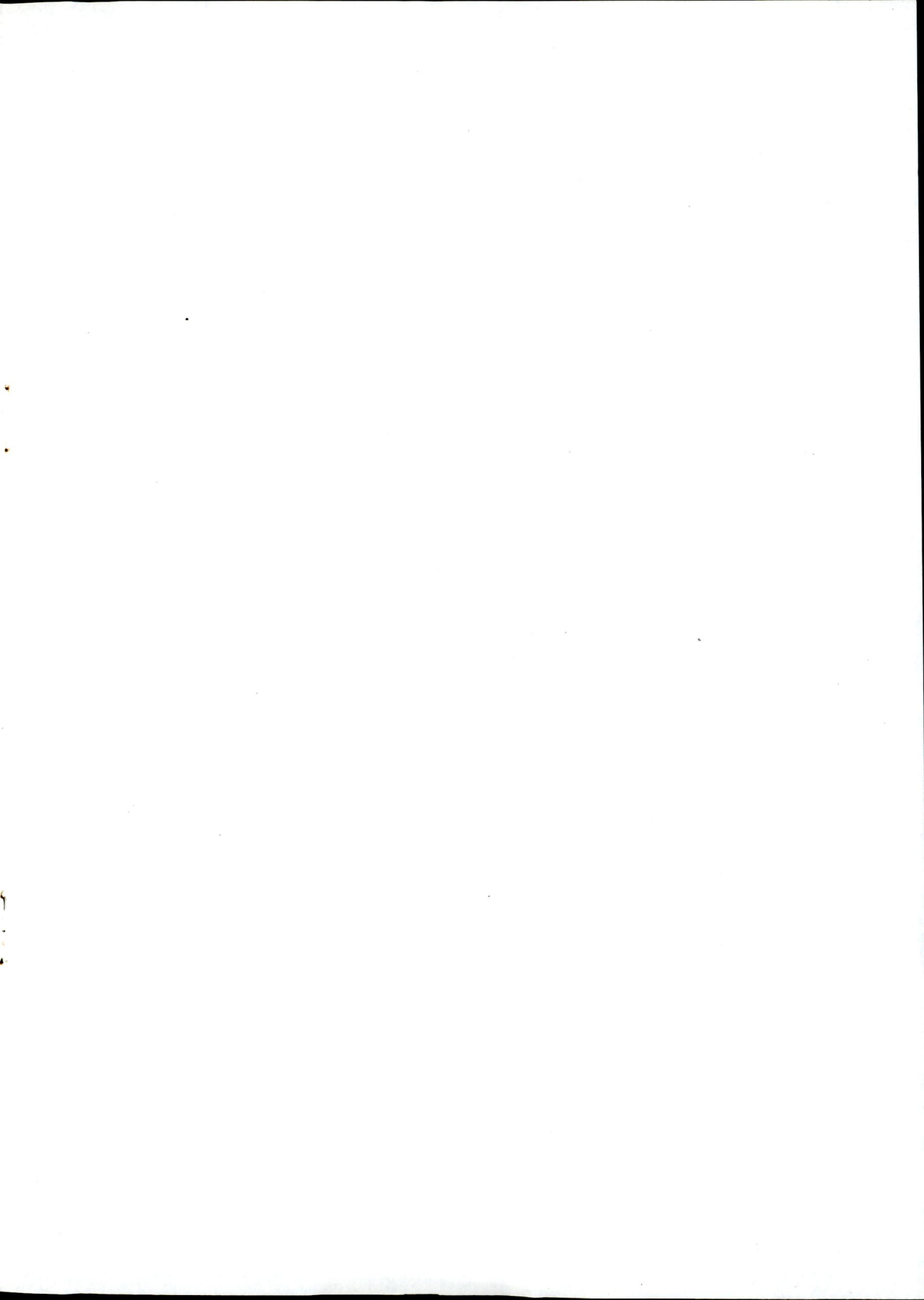
Omit “COMMISSION”, insert instead “CORPORATION”.

(11) Section 47—

10 Omit “this Act”, insert instead “the Housing Acts”.

(12) Schedules 1, 2—

Omit the Schedules.



HOUSING (AMENDMENT) ACT 1985 No. 164

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 164, 1985

An Act to amend the Housing Act 1912 as a consequence of, and in connection with, the enactment of the Housing Act 1985, and in certain other respects. [Assented to, 3rd December, 1985.]

Housing (Amendment) 1985

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 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) Except as provided by subsection (1), this Act shall commence on 1 January 1986.

Amendment of Act No. 7, 1912

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE HOUSING ACT 1912

(1) Long title—

Omit the long title, insert instead:

An Act to provide for the exercise by the New South Wales Land and Housing Corporation of certain functions relating to housing and land supply; and for other purposes.

(2) Section 1A—

Omit the section.

(3) (a) Section 2 (1), definitions of "Chairman", "Chief Executive", "Commission", "member", "part-time member"—

Omit the definitions.

Housing (Amendment) 1985

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

- (b) Section 2 (1), definition of “Corporation”—
Before the definition of “dwelling-house”, insert:
“Corporation” means the New South Wales Land and Housing Corporation constituted by the Housing Act 1985;
- (c) Section 2 (1), definition of “Housing Account”—
Omit “this Act”, insert instead “the Housing Act 1985”.
- (d) Section 2 (1), definition of “Housing Acts”—
After the definition of “Housing Account”, insert:
“Housing Acts” means this Act, the Housing Act 1976 and the Housing Act 1985;
- (e) Section 2 (1), definition of “purchaser”—
Omit “Commission”, insert instead “Corporation”.
- (4) Parts IA, IIA—
Omit the Parts.
- (5) Sections 4, 4B, 4E, 5, 6, 6A, 8, 9, 10, 10AA, 10AB, 10AC, 10A, 11, 11A, 13, 13B, 36, 37, 40H–40P, 44—
Omit the sections.
- (6) Section 4C—
Omit “section 4” wherever occurring, insert instead “the Housing Acts”.
- (7) (a) Section 4D (4) (a)—
After “rebuild,”, insert “demolish, damage,”.
- (b) Section 4D (5) (b1)—
After section 4D (5) (b), insert:
(b1) Any person who contravenes any provision of subsection (4) (a) is guilty of an offence against this Act.

Housing (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE HOUSING ACT 1912—*continued*

- (8) Sections 4D, 7, 7A, 7B, 12, 16, 16A, 17, 18, 18B, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 39A, 40F, 40G, 41, 42, 43, 48, 49—

Omit “Commission” wherever occurring, insert instead “Corporation”.

- (9) Section 7B—

Omit “and be deemed always to have had”.

- (10) Part IIb, heading—

Omit “COMMISSION”, insert instead “CORPORATION”.

- (11) Section 47—

Omit “this Act”, insert instead “the Housing Acts”.

- (12) Schedules 1, 2—

Omit the Schedules.