

HOUSING (VALIDATION OF RESUMPTIONS) ACT 1988
No. 24

NEW SOUTH WALES



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HOUSING (VALIDATION OF RESUMPTIONS) ACT 1988 No. 24

NEW SOUTH WALES



Act No. 24, 1988

An Act to validate certain resumptions or appropriations of land made under the Housing Act 1976. [Assented to 1 July 1988]

Housing (Validation of Resumptions) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Housing (Validation of Resumptions) Act 1988.

Commencement

2. This Act commences on the date of assent.

Validation of resumptions or appropriations under the Housing Act 1976

3. (1) A resumption under sections 11 and 12 of the Housing Act 1976 made on or after 1 January 1986 and before the commencement of this Act is not invalid merely because the statement of the purpose of the resumption was not adequate.

(2) Any invalid act or omission in connection with a resumption which is validated by subsection (1) is also validated if the act or omission would, but for the invalidity of the resumption, be valid.

(3) This section does not operate so as to validate—

- (a) the resumption of land for the purposes of the New South Wales Land and Housing Corporation which was notified in Gazette No. 144 of 11 September 1987 at pages 5160–5162; or
- (b) any other resumption which is the subject of, or an issue in, legal proceedings which were commenced before the day on which notice for leave to bring in the Bill for this Act was given in the House of Parliament in which the Bill originated.

(4) In this section, “resumption” means a resumption of land, and includes an appropriation of land.

HOUSING (VALIDATION OF RESUMPTIONS) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to validate certain resumptions or appropriations of land made under the Housing Act 1976 to the extent that they were invalid because the purposes of the resumptions or appropriations were not adequately expressed.

Sections 11 and 12 of the Housing Act 1976 authorise resumptions or appropriations to be made "for the purposes of the Housing Acts".

Since the establishment of the New South Wales Land and Housing Corporation on 1 January 1986, resumptions and appropriations have been expressed in some cases to be "for the purposes of the New South Wales Land and Housing Corporation". The Supreme Court in *Ball and Anor v. Maritime Services Board and Ors* No. 25365 of 1987 (Administrative Law Division) held that a resumption or appropriation expressed in those terms is void.

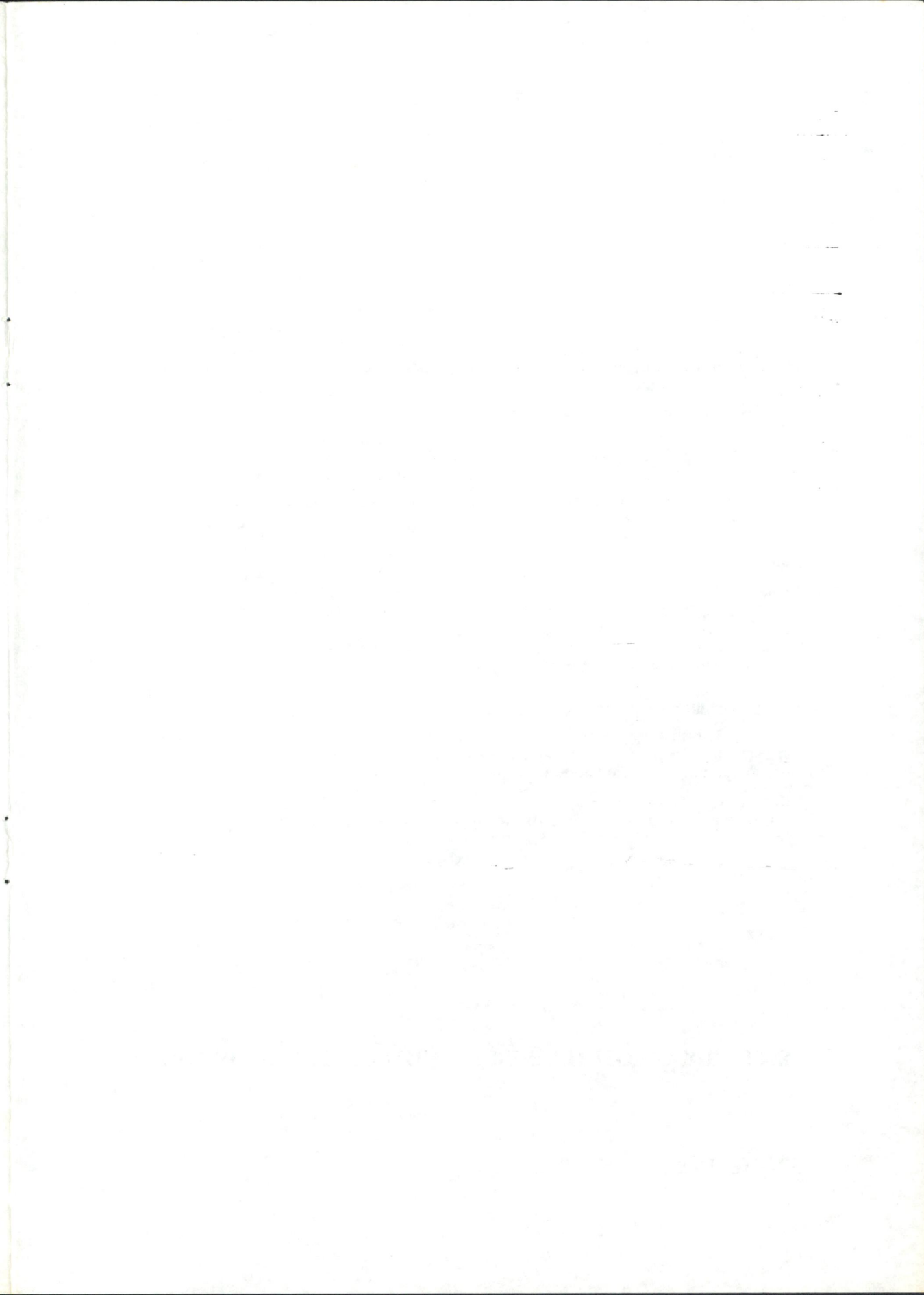
Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 (1) validates resumptions or appropriations made under the Housing Act 1976 on or after 1 January 1986 to the extent that the invalidity was a consequence of a failure to adequately express the purpose of the resumption or appropriation.

Clause 3 (2) similarly validates any acts or omissions in connection with such an invalid resumption or appropriation.

Clause 3 (3) prevents the proposed Act from having any effect on legal proceedings mentioned above or any other legal proceedings which commence before this Bill is introduced into Parliament.



HOUSING (VALIDATION OF RESUMPTIONS) BILL 1988

NEW SOUTH WALES

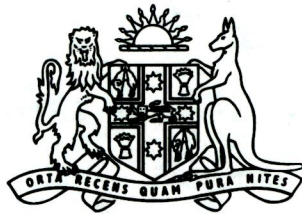


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HOUSING (VALIDATION OF RESUMPTIONS) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to validate certain resumptions or appropriations of land made under the Housing Act 1976.

Housing (Validation of Resumptions) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Housing (Validation of Resumptions) Act 1988.

5 Commencement

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Validation of resumptions or appropriations under the Housing Act 1976

3. (1) A resumption under sections 11 and 12 of the Housing Act 1976 made on or after 1 January 1986 and before the commencement of this Act is not invalid merely because the statement of the purpose of the resumption was not adequate.

(2) Any invalid act or omission in connection with a resumption which is validated by subsection (1) is also validated if the act or omission would, but for the invalidity of the resumption, be valid.

15 (3) This section does not operate so as to validate—

(a) the resumption of land for the purposes of the New South Wales Land and Housing Corporation which was notified in Gazette No. 144 of 11 September 1987 at pages 5160–5162; or

20 (b) any other resumption which is the subject of, or an issue in, legal proceedings which were commenced before the day on which notice for leave to bring in the Bill for this Act was given in the House of Parliament in which the Bill originated.

(4) In this section, “resumption” means a resumption of land, and includes an appropriation of land.

