

FIRST PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES

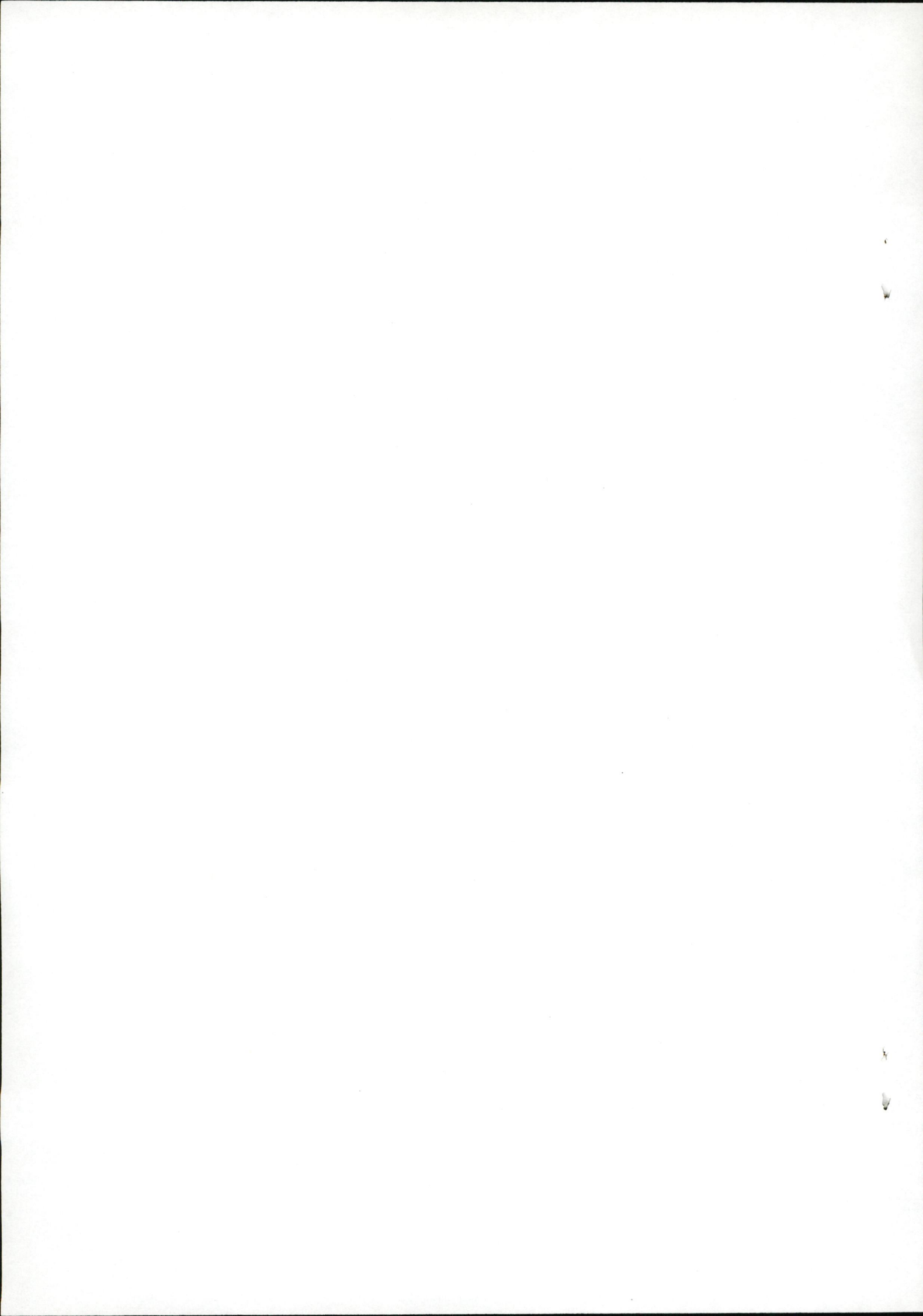


TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
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SCHEDULE 2—AMENDMENT OF OTHER ACTS



**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes.

Home Purchase Assistance Authority (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

5 **Commencement**

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

10 **Amendment of other Acts**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

15

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

20

“**Commonwealth/State housing agreement**” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

25

“**Home Purchase Assistance Fund**” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

30

“**Housing Reserve Fund**” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- “**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund; 5
- “**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund; 10
- (2) Section 4 (**Object of Act**):
- At the end of section 4 (b), insert:
- ; and
- (c) funding such other rental and home purchase assistance schemes as are directed by the Minister. 15
- (3) Section 13 (**Principal functions**):
- In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.
- (4) Section 13A: 20
- After section 13, insert:
- Establishment of Housing Reserve Fund**
- 13A. (1) The Authority is to establish a Housing Reserve Fund.
- (2) The following amounts may be paid into the Housing Reserve Fund: 25
- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund; 30
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund. 35

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- 5 (a) contributing to the Home Purchase Assistance Fund;
- (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
- 10 (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
- 15 (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
- 20 (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- 25 (a) Omit section 17 (1), insert instead:
- (1) This section applies to:
- (a) any asset, right or liability of the Housing Corporation; and
- 30 (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
- 35 (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

- (d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held. 5
- (1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority. 10
- (1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) unless the Treasurer is satisfied that the money (or the money value of any such asset) is surplus to the current requirements of the account or fund concerned. 15
- (1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section. 20
- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred". 25
- (d) Omit section 17 (5), insert instead:
- (5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required. 30
- (6) Section 17A:
- After section 17, insert:
- Minister may waive or postpone obligations under certain transferred securities**
- 17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17. 35 40

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

5 After section 113 (2) (a), insert:

(a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

10 **Landlord and Tenant (Rental Bonds) Act 1977 No. 44**

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

15 (2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

20 After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

25 63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

(2) Section 68 (**Expenditure**):

30 At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

FIRST PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Home Purchase Assistance Authority Act 1993 so as:
 - to provide for the establishment of a Housing Reserve Fund out of which payments may be made in connection with housing assistance; and
 - to enable the Minister to direct the transfer to the Home Purchase Assistance Authority of money and other assets held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council; and
 - to enable the Minister to waive or postpone the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under certain loan agreements to which that trustee is party; and
 - (b) to amend the Building Services Corporation Act 1989 so as to enable payments to be made into the Housing Reserve Fund from the Building Services Corporation Account kept under that Act; and
 - (c) to amend the Landlord and Tenant (Rental Bonds) Act 1977 so as to enable payments to be made into the Housing Reserve Fund from the Rental Bond Interest Account kept under that Act; and
 - (d) to amend the Property, Stock and Business Agents Act 1941 so as to enable payments to be made into the Housing Reserve Fund from the Real Estate Services Council Statutory Interest Account and the Real Estate Services Council Compensation Fund kept under that Act.
-

Home Purchase Assistance Authority (Amendment) 1993

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Home Purchase Assistance Authority Act 1993.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the other Acts referred to above.

**SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993**

Establishment of the Housing Reserve Fund

Schedule 1 (4) inserts a new section 13A into the Act. The proposed section provides for the establishment of a Housing Reserve Fund and for the payment of money into and out of the Fund. The Housing Reserve Fund is to comprise money appropriated by Parliament, money that is required to be paid into the Fund by or under the Principal Act or any other Act or law and interest accruing from the investment of the Fund. In particular, it will include money transferred to it from various funds kept under:

- (a) the Building Services Corporation Act 1989; and
- (b) the Landlord and Tenant (Rental Bonds) Act 1977; and
- (c) the Property, Stock and Business Agents Act 1941.

Complementary amendments to those Acts are made by Schedule 2 to the proposed Act.

The Housing Reserve Fund is to be applied towards the Home Purchase Assistance Fund and towards other housing assistance programs.

Schedule 1 (2) amends section 4 (**Object of Act**) as a consequence of the additional functions being conferred on the Home Purchase Assistance Authority by proposed section 13A. Those functions include the funding of rental assistance programs which are not currently contemplated by section 4.

Schedule 1 (3) amends section 13 (**Principal functions**) so as to include the management of the Housing Reserve Fund as a principal function of the Home Purchase Assistance Authority.

Transfer of assets to the Authority

Section 17 currently provides for the transfer of assets, rights and liabilities to the Home Purchase Assistance Authority from the Housing Corporation by means of an order in writing made by the Minister.

Schedule 1 (5) amends section 17 so as to enable such an order to be made with respect to surplus funds (and other assets arising from the investment of surplus funds) that are currently held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council. The Treasurer's concurrence is to be required for the making of an order. That concurrence is not to be given unless the Treasurer is satisfied that the assets to be transferred to the Home Purchase Assistance Authority are surplus to the requirements of the account from which they are being transferred.

Home Purchase Assistance Authority (Amendment) 1993

Waiver or postponement of obligations

Among the assets to be transferred in accordance with the proposed amendments to section 17 are various loan agreements under which the trustee of the Home Purchase Assistance Fund is obliged to repay money advanced to the Housing Reserve Fund by, for example, the Rental Bond Board. As a result of the transfer, the right to repayment will vest in the Home Purchase Assistance Authority.

Schedule 1 (6) inserts a new section 17A into the Act. The proposed section will enable the Minister administering the Act to waive or postpone, in whole or in part, the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under any such loan agreement.

Miscellaneous

Schedule 1 (1) inserts various definitions into section 3 (**Definitions**) in connection with the other amendments made by the proposed Schedule.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

Building Services Corporation Act 1989

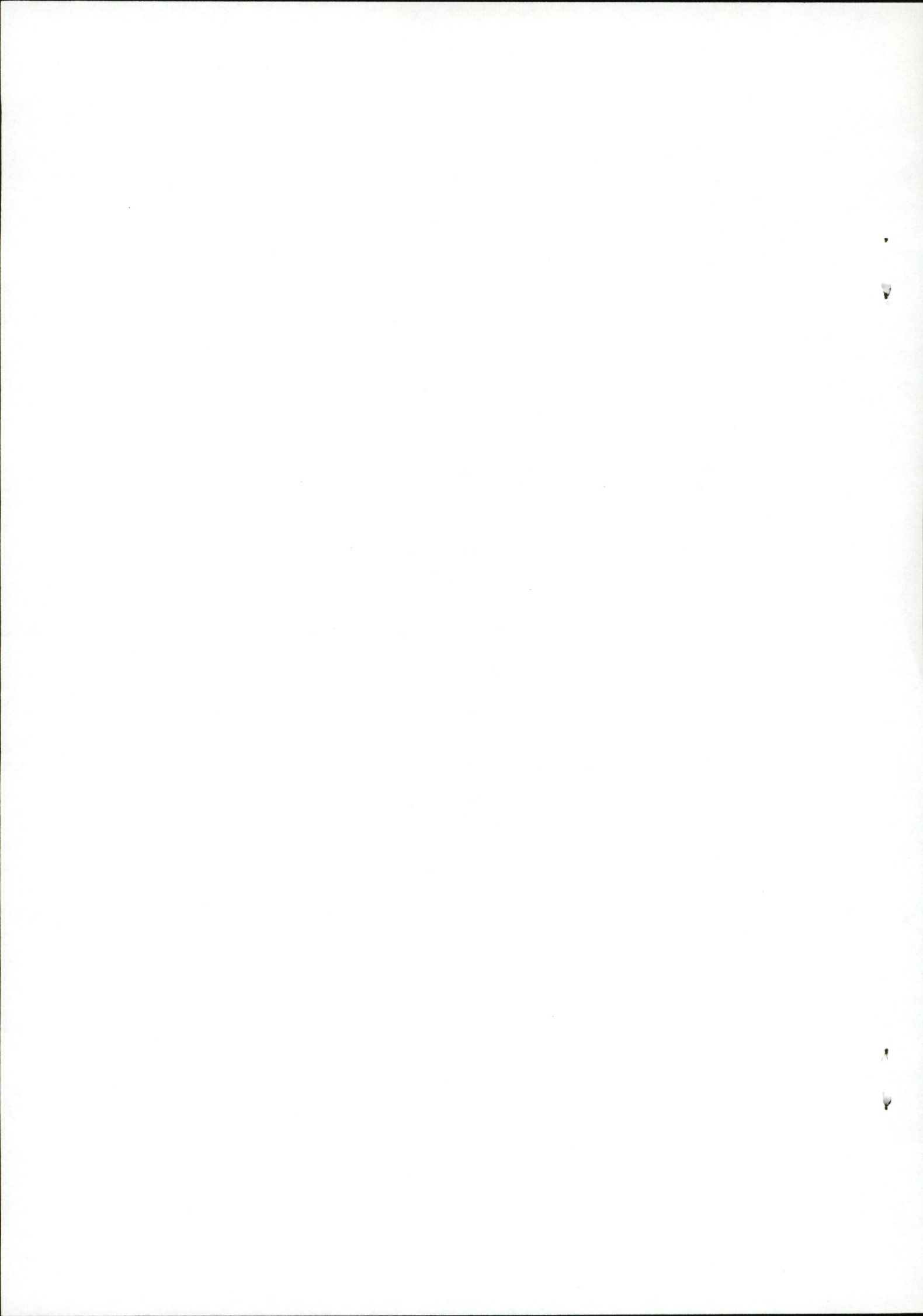
The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Building Services Corporation Account kept under section 113.

Landlord and Tenant (Rental Bonds) Act 1977

The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Rental Bond Interest Account kept under section 20.

Property, Stock and Business Agents Act 1941

The proposed amendments to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Real Estate Services Council Statutory Interest Account kept under section 63B and from the surplus funds in the Real Estate Services Council Compensation Fund kept under section 65.



SECOND PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Home Purchase Assistance Authority Act 1993 so as:
- to provide for the establishment of a Housing Reserve Fund out of which payments may be made in connection with housing assistance; and
 - to enable the Minister to direct the transfer to the Home Purchase Assistance Authority of money and other assets held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council; and
 - to enable the Minister to waive or postpone the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under certain loan agreements to which that trustee is party; and
- (b) to amend the Building Services Corporation Act 1989 so as to enable payments to be made into the Housing Reserve Fund from the Building Services Corporation Account kept under that Act; and
- (c) to amend the Landlord and Tenant (Rental Bonds) Act 1977 so as to enable payments to be made into the Housing Reserve Fund from the Rental Bond Interest Account kept under that Act; and
- (d) to amend the Property, Stock and Business Agents Act 1941 so as to enable payments to be made into the Housing Reserve Fund from the Real Estate Services Council Statutory Interest Account and the Real Estate Services Council Compensation Fund kept under that Act.
-

Home Purchase Assistance Authority (Amendment) 1993

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Home Purchase Assistance Authority Act 1993.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the other Acts referred to above.

**SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993**

Establishment of the Housing Reserve Fund

Schedule 1 (4) inserts a new section 13A into the Act. The proposed section provides for the establishment of a Housing Reserve Fund and for the payment of money into and out of the Fund. The Housing Reserve Fund is to comprise money appropriated by Parliament, money that is required to be paid into the Fund by or under the Principal Act or any other Act or law and interest accruing from the investment of the Fund. In particular, it will include money transferred to it from various funds kept under:

- (a) the Building Services Corporation Act 1989; and
- (b) the Landlord and Tenant (Rental Bonds) Act 1977; and
- (c) the Property, Stock and Business Agents Act 1941.

Complementary amendments to those Acts are made by Schedule 2 to the proposed Act.

The Housing Reserve Fund is to be applied towards the Home Purchase Assistance Fund and towards other housing assistance programs.

Schedule 1 (2) amends section 4 (**Object of Act**) as a consequence of the additional functions being conferred on the Home Purchase Assistance Authority by proposed section 13A. Those functions include the funding of rental assistance programs which are not currently contemplated by section 4.

Schedule 1 (3) amends section 13 (**Principal functions**) so as to include the management of the Housing Reserve Fund as a principal function of the Home Purchase Assistance Authority.

Transfer of assets to the Authority

Section 17 currently provides for the transfer of assets, rights and liabilities to the Home Purchase Assistance Authority from the Housing Corporation by means of an order in writing made by the Minister.

Schedule 1 (5) amends section 17 so as to enable such an order to be made with respect to surplus funds (and other assets arising from the investment of surplus funds) that are currently held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council. The Treasurer's concurrence is to be required for the making of an order. That concurrence is not to be given unless the Treasurer is satisfied that the assets to be transferred to the Home Purchase Assistance Authority are surplus to the requirements of the account from which they are being transferred.

Home Purchase Assistance Authority (Amendment) 1993

Waiver or postponement of obligations

Among the assets to be transferred in accordance with the proposed amendments to section 17 are various loan agreements under which the trustee of the Home Purchase Assistance Fund is obliged to repay money advanced to that Fund by, for example, the Rental Bond Board. As a result of the transfer, the right to repayment will vest in the Home Purchase Assistance Authority.

Schedule 1 (6) inserts a new section 17A into the Act. The proposed section will enable the Minister administering the Act to waive or postpone, in whole or in part, the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under any such loan agreement.

Miscellaneous

Schedule 1 (1) inserts various definitions into section 3 (**Definitions**) in connection with the other amendments made by the proposed Schedule.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

Building Services Corporation Act 1989

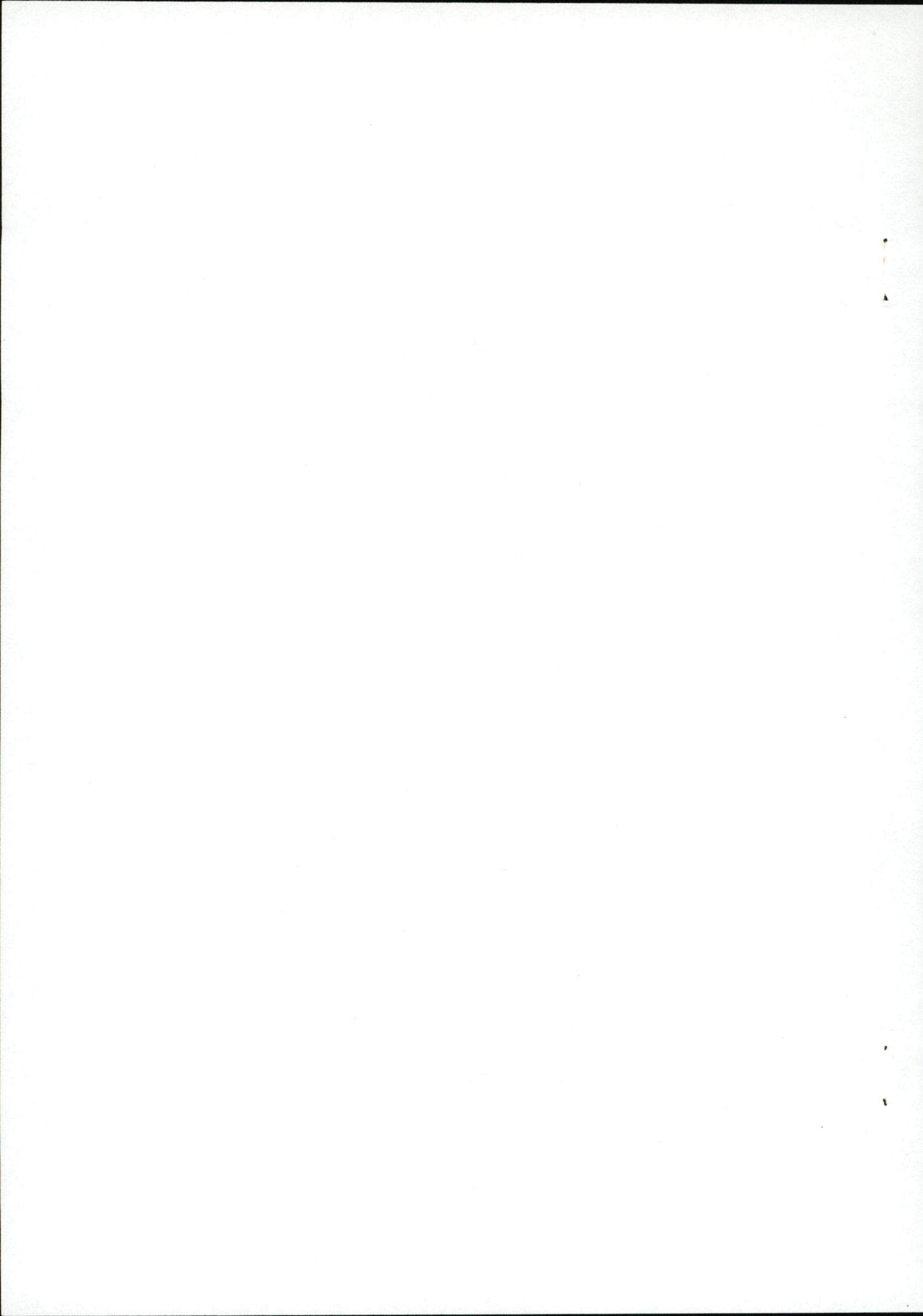
The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Building Services Corporation Account kept under section 113.

Landlord and Tenant (Rental Bonds) Act 1977

The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Rental Bond Interest Account kept under section 20.

Property, Stock and Business Agents Act 1941

The proposed amendments to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Real Estate Services Council Statutory Interest Account kept under section 63B and from the surplus funds in the Real Estate Services Council Compensation Fund kept under section 65.



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**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes.

Home Purchase Assistance Authority (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

10 Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

15

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

20

“Commonwealth/State housing agreement” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

25

“Home Purchase Assistance Fund” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

30

“Housing Reserve Fund” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

- “**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund; 5
- “**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund; 10
- (2) Section 4 (**Object of Act**):
- At the end of section 4 (b), insert:
- ; and
- (c) funding such other rental and home purchase assistance schemes as are directed by the Minister. 15
- (3) Section 13 (**Principal functions**):
- In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.
- (4) Section 13A:
- After section 13, insert: 20
- Establishment of Housing Reserve Fund**
- 13A. (1) The Authority is to establish a Housing Reserve Fund.
- (2) The following amounts may be paid into the Housing Reserve Fund: 25
- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund; 30
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund. 35

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- 5 (a) contributing to the Home Purchase Assistance Fund;
- (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
- 10 (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
- 15 (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
- 20 (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- 25 (a) Omit section 17 (1), insert instead:
- (1) This section applies to:
- (a) any asset, right or liability of the Housing Corporation; and
- 30 (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
- 35 (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held. 5
- (1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority. 10
- (1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) unless the Treasurer is satisfied that the money (or the money value of any such asset) is surplus to the current requirements of the account or fund concerned. 15
- (1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section. 20
- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred". 25
- (d) Omit section 17 (5), insert instead:
- (5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required. 30
- (6) Section 17A:
- After section 17, insert:
- Minister may waive or postpone obligations under certain transferred securities**
- 17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17. 35
40

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

5 After section 113 (2) (a), insert:

- (a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

10 **Landlord and Tenant (Rental Bonds) Act 1977 No. 44**

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

- 15 (2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

20 After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

- 25 63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

(2) Section 68 (**Expenditure**):

At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) ACT 1993 No. 92**

NEW SOUTH WALES

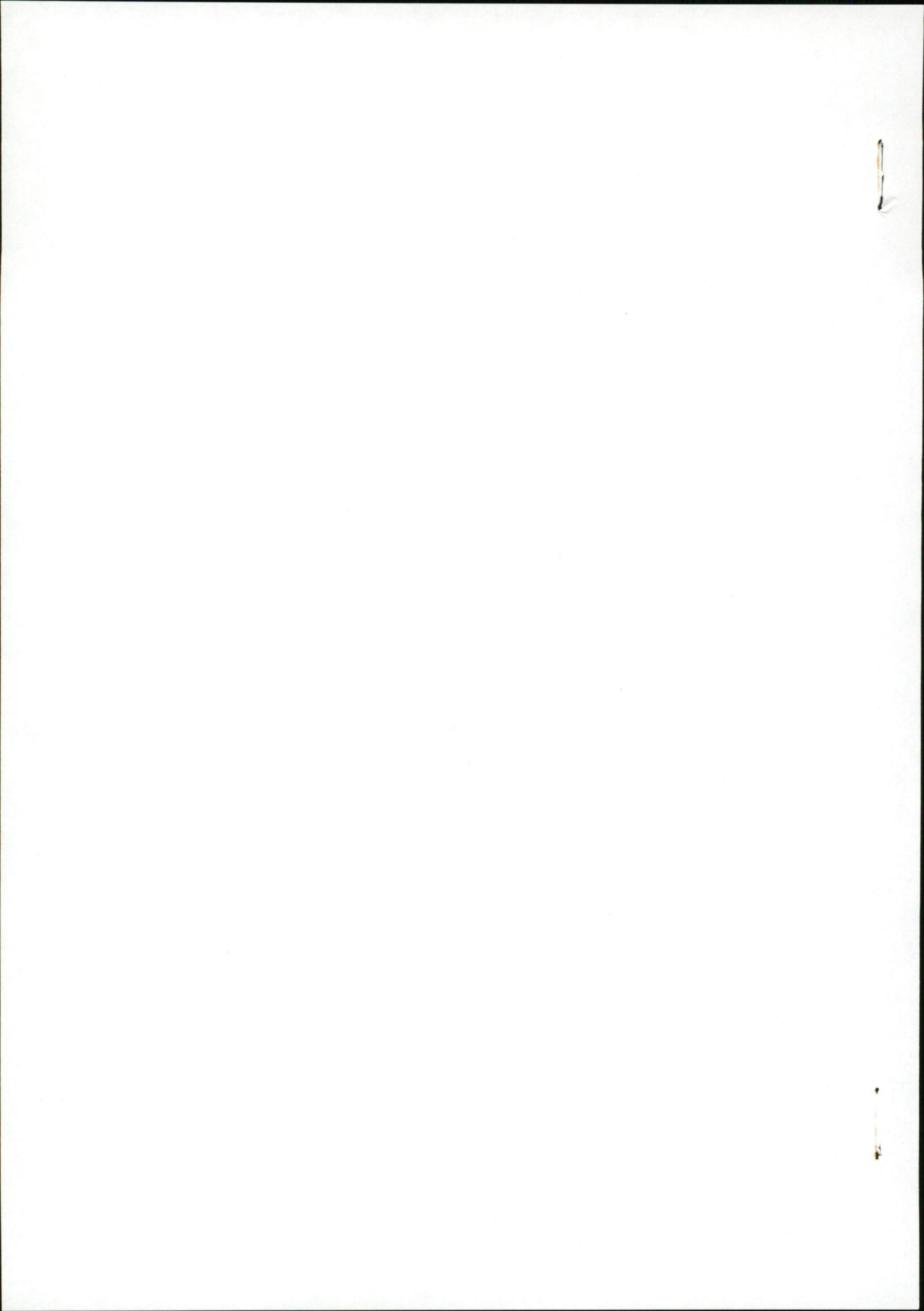


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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS



**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) ACT 1993 No. 92**

NEW SOUTH WALES



Act No. 92, 1993

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes. [Assented to 29 November 1993]

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

“**Commonwealth/State housing agreement**” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

“**Home Purchase Assistance Fund**” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

“**Housing Reserve Fund**” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

“**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund;

“**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund;

(2) Section 4 (**Object of Act**):

At the end of section 4 (b), insert:

; and

(c) funding such other rental and home purchase assistance schemes as are directed by the Minister.

(3) Section 13 (**Principal functions**):

In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.

(4) Section 13A:

After section 13, insert:

Establishment of Housing Reserve Fund

13A. (1) The Authority is to establish a Housing Reserve Fund.

(2) The following amounts may be paid into the Housing Reserve Fund:

- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund;
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- (a) contributing to the Home Purchase Assistance Fund;
 - (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
 - (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
 - (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
 - (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- (a) Omit section 17 (1), insert instead:
 - (1) This section applies to:
 - (a) any asset, right or liability of the Housing Corporation; and
 - (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
 - (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

(d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held.

(1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority.

(1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) if the amount of the money value of the asset (together with the amount of any money or the money value of any asset the subject of any earlier order or orders) exceeds the amount certified by the Secretary of the Treasury and an independent auditor as being surplus to the requirements of the account or fund concerned.

(1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section.

(1D) The power conferred on the Minister by subsection (1A) may not be exercised after 30 June 1995 with respect to any money or other asset referred to in subsection (1) (b), (c) or (d).

- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred".
- (d) Omit section 17 (5), insert instead:

(5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

(6) Section 17A:

After section 17, insert:

Minister may waive or postpone obligations under certain transferred securities

17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

After section 113 (2) (a), insert:

- (a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

Landlord and Tenant (Rental Bonds) Act 1977 No. 44

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

(2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

(2) Section 68 (**Expenditure**):

At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

[*Minister's second reading speech made in—
Legislative Council on 10 November 1993
Legislative Assembly on 16 November 1993*]

FIRST PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES

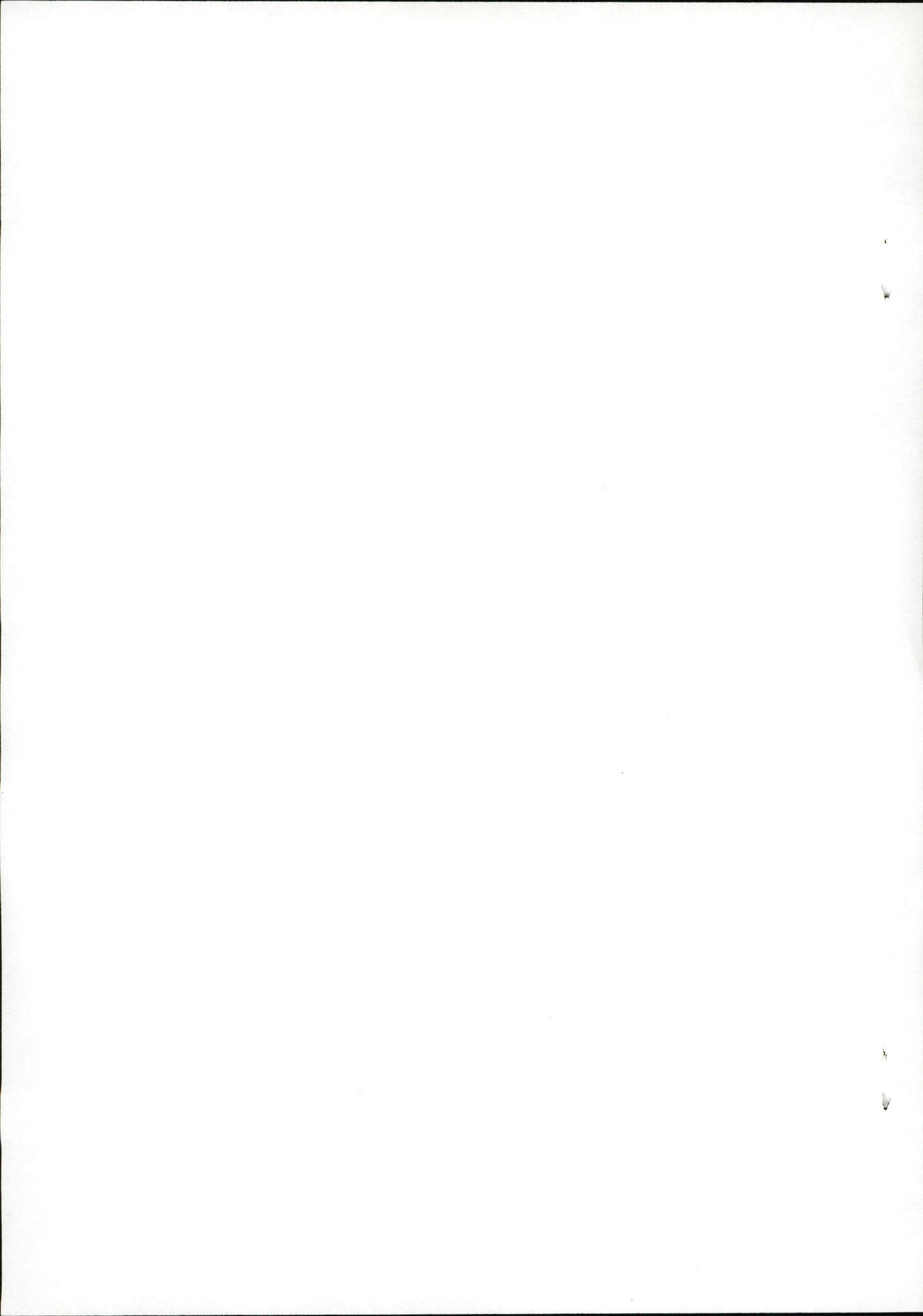


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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS



**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes.

Home Purchase Assistance Authority (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

5 **Commencement**

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

10 **Amendment of other Acts**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

15

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

20

“**Commonwealth/State housing agreement**” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

25

“**Home Purchase Assistance Fund**” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

30

“**Housing Reserve Fund**” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

- “**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund; 5
- “**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund; 10
- (2) Section 4 (**Object of Act**):
- At the end of section 4 (b), insert:
- ; and
- (c) funding such other rental and home purchase assistance schemes as are directed by the Minister. 15
- (3) Section 13 (**Principal functions**):
- In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.
- (4) Section 13A: 20
- After section 13, insert:
- Establishment of Housing Reserve Fund**
- 13A. (1) The Authority is to establish a Housing Reserve Fund.
- (2) The following amounts may be paid into the Housing Reserve Fund: 25
- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund; 30
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund. 35

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- 5 (a) contributing to the Home Purchase Assistance Fund;
- (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
- 10 (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
- 15 (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
- 20 (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- 25 (a) Omit section 17 (1), insert instead:
- (1) This section applies to:
- (a) any asset, right or liability of the Housing Corporation; and
- 30 (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
- 35 (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held. 5
- (1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority. 10
- (1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) unless the Treasurer is satisfied that the money (or the money value of any such asset) is surplus to the current requirements of the account or fund concerned. 15
- (1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section. 20
- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred". 25
- (d) Omit section 17 (5), insert instead:
- (5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required. 30
- (6) Section 17A:
- After section 17, insert:
- Minister may waive or postpone obligations under certain transferred securities**
- 17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17. 35 40

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

5 After section 113 (2) (a), insert:

(a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

10 **Landlord and Tenant (Rental Bonds) Act 1977 No. 44**

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

15 (2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

20 After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

25 63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

(2) Section 68 (**Expenditure**):

30 At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

FIRST PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Home Purchase Assistance Authority Act 1993 so as:
 - to provide for the establishment of a Housing Reserve Fund out of which payments may be made in connection with housing assistance; and
 - to enable the Minister to direct the transfer to the Home Purchase Assistance Authority of money and other assets held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council; and
 - to enable the Minister to waive or postpone the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under certain loan agreements to which that trustee is party; and
 - (b) to amend the Building Services Corporation Act 1989 so as to enable payments to be made into the Housing Reserve Fund from the Building Services Corporation Account kept under that Act; and
 - (c) to amend the Landlord and Tenant (Rental Bonds) Act 1977 so as to enable payments to be made into the Housing Reserve Fund from the Rental Bond Interest Account kept under that Act; and
 - (d) to amend the Property, Stock and Business Agents Act 1941 so as to enable payments to be made into the Housing Reserve Fund from the Real Estate Services Council Statutory Interest Account and the Real Estate Services Council Compensation Fund kept under that Act.
-

Home Purchase Assistance Authority (Amendment) 1993

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Home Purchase Assistance Authority Act 1993.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the other Acts referred to above.

**SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993**

Establishment of the Housing Reserve Fund

Schedule 1 (4) inserts a new section 13A into the Act. The proposed section provides for the establishment of a Housing Reserve Fund and for the payment of money into and out of the Fund. The Housing Reserve Fund is to comprise money appropriated by Parliament, money that is required to be paid into the Fund by or under the Principal Act or any other Act or law and interest accruing from the investment of the Fund. In particular, it will include money transferred to it from various funds kept under:

- (a) the Building Services Corporation Act 1989; and
- (b) the Landlord and Tenant (Rental Bonds) Act 1977; and
- (c) the Property, Stock and Business Agents Act 1941.

Complementary amendments to those Acts are made by Schedule 2 to the proposed Act.

The Housing Reserve Fund is to be applied towards the Home Purchase Assistance Fund and towards other housing assistance programs.

Schedule 1 (2) amends section 4 (**Object of Act**) as a consequence of the additional functions being conferred on the Home Purchase Assistance Authority by proposed section 13A. Those functions include the funding of rental assistance programs which are not currently contemplated by section 4.

Schedule 1 (3) amends section 13 (**Principal functions**) so as to include the management of the Housing Reserve Fund as a principal function of the Home Purchase Assistance Authority.

Transfer of assets to the Authority

Section 17 currently provides for the transfer of assets, rights and liabilities to the Home Purchase Assistance Authority from the Housing Corporation by means of an order in writing made by the Minister.

Schedule 1 (5) amends section 17 so as to enable such an order to be made with respect to surplus funds (and other assets arising from the investment of surplus funds) that are currently held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council. The Treasurer's concurrence is to be required for the making of an order. That concurrence is not to be given unless the Treasurer is satisfied that the assets to be transferred to the Home Purchase Assistance Authority are surplus to the requirements of the account from which they are being transferred.

Home Purchase Assistance Authority (Amendment) 1993

Waiver or postponement of obligations

Among the assets to be transferred in accordance with the proposed amendments to section 17 are various loan agreements under which the trustee of the Home Purchase Assistance Fund is obliged to repay money advanced to the Housing Reserve Fund by, for example, the Rental Bond Board. As a result of the transfer, the right to repayment will vest in the Home Purchase Assistance Authority.

Schedule 1 (6) inserts a new section 17A into the Act. The proposed section will enable the Minister administering the Act to waive or postpone, in whole or in part, the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under any such loan agreement.

Miscellaneous

Schedule 1 (1) inserts various definitions into section 3 (**Definitions**) in connection with the other amendments made by the proposed Schedule.

SCHEDULE 2—AMENDMENT OF OTHER ACTS**Building Services Corporation Act 1989**

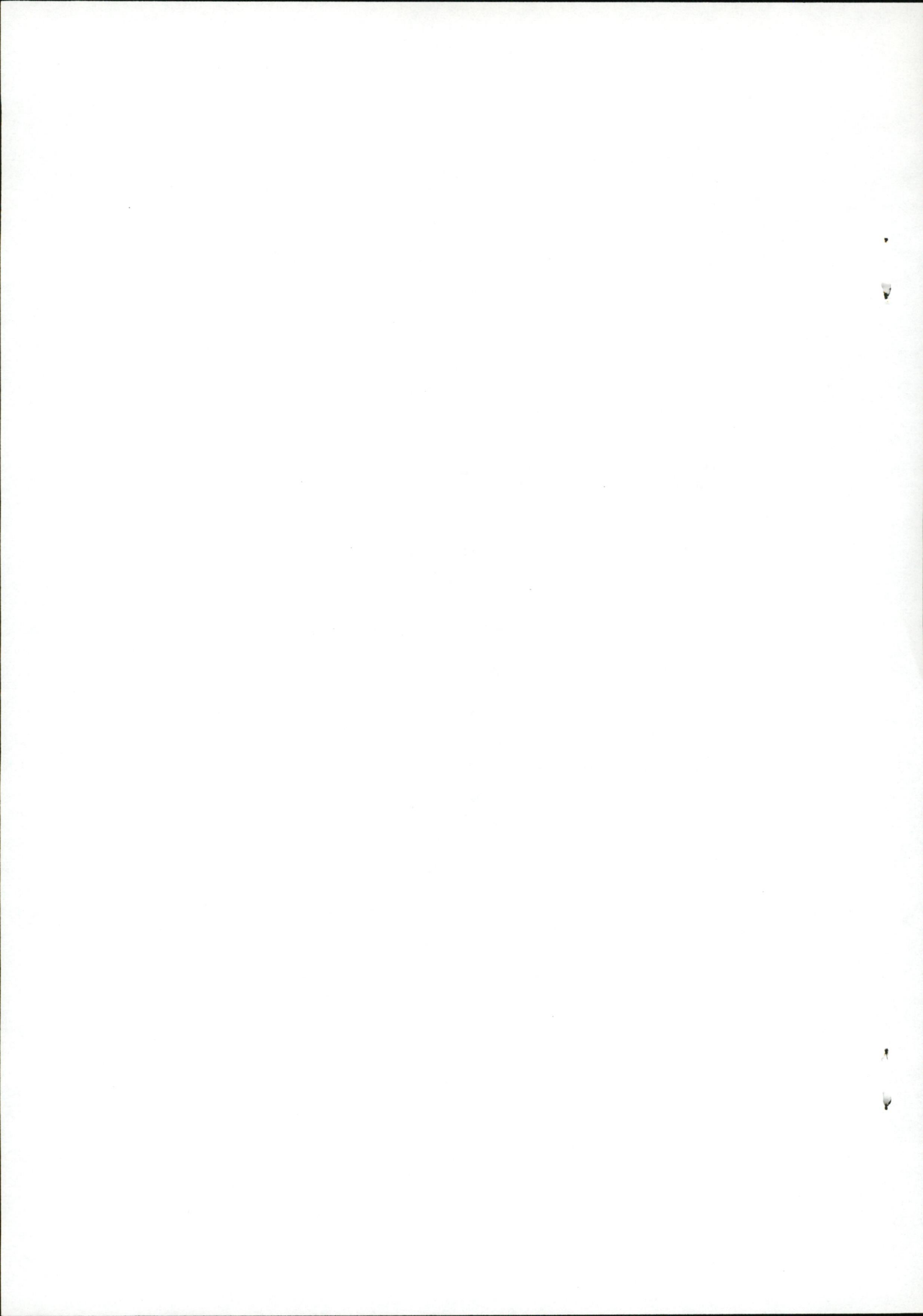
The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Building Services Corporation Account kept under section 113.

Landlord and Tenant (Rental Bonds) Act 1977

The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Rental Bond Interest Account kept under section 20.

Property, Stock and Business Agents Act 1941

The proposed amendments to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Real Estate Services Council Statutory Interest Account kept under section 63B and from the surplus funds in the Real Estate Services Council Compensation Fund kept under section 65.



SECOND PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Home Purchase Assistance Authority Act 1993 so as:
 - to provide for the establishment of a Housing Reserve Fund out of which payments may be made in connection with housing assistance; and
 - to enable the Minister to direct the transfer to the Home Purchase Assistance Authority of money and other assets held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council; and
 - to enable the Minister to waive or postpone the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under certain loan agreements to which that trustee is party; and
 - (b) to amend the Building Services Corporation Act 1989 so as to enable payments to be made into the Housing Reserve Fund from the Building Services Corporation Account kept under that Act; and
 - (c) to amend the Landlord and Tenant (Rental Bonds) Act 1977 so as to enable payments to be made into the Housing Reserve Fund from the Rental Bond Interest Account kept under that Act; and
 - (d) to amend the Property, Stock and Business Agents Act 1941 so as to enable payments to be made into the Housing Reserve Fund from the Real Estate Services Council Statutory Interest Account and the Real Estate Services Council Compensation Fund kept under that Act.
-

Home Purchase Assistance Authority (Amendment) 1993

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Home Purchase Assistance Authority Act 1993.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to the other Acts referred to above.

**SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993**

Establishment of the Housing Reserve Fund

Schedule 1 (4) inserts a new section 13A into the Act. The proposed section provides for the establishment of a Housing Reserve Fund and for the payment of money into and out of the Fund. The Housing Reserve Fund is to comprise money appropriated by Parliament, money that is required to be paid into the Fund by or under the Principal Act or any other Act or law and interest accruing from the investment of the Fund. In particular, it will include money transferred to it from various funds kept under:

- (a) the Building Services Corporation Act 1989; and
- (b) the Landlord and Tenant (Rental Bonds) Act 1977; and
- (c) the Property, Stock and Business Agents Act 1941.

Complementary amendments to those Acts are made by Schedule 2 to the proposed Act.

The Housing Reserve Fund is to be applied towards the Home Purchase Assistance Fund and towards other housing assistance programs.

Schedule 1 (2) amends section 4 (**Object of Act**) as a consequence of the additional functions being conferred on the Home Purchase Assistance Authority by proposed section 13A. Those functions include the funding of rental assistance programs which are not currently contemplated by section 4.

Schedule 1 (3) amends section 13 (**Principal functions**) so as to include the management of the Housing Reserve Fund as a principal function of the Home Purchase Assistance Authority.

Transfer of assets to the Authority

Section 17 currently provides for the transfer of assets, rights and liabilities to the Home Purchase Assistance Authority from the Housing Corporation by means of an order in writing made by the Minister.

Schedule 1 (5) amends section 17 so as to enable such an order to be made with respect to surplus funds (and other assets arising from the investment of surplus funds) that are currently held by the Building Services Corporation, the Rental Bond Board and the Real Estate Services Council. The Treasurer's concurrence is to be required for the making of an order. That concurrence is not to be given unless the Treasurer is satisfied that the assets to be transferred to the Home Purchase Assistance Authority are surplus to the requirements of the account from which they are being transferred.

Home Purchase Assistance Authority (Amendment) 1993

Waiver or postponement of obligations

Among the assets to be transferred in accordance with the proposed amendments to section 17 are various loan agreements under which the trustee of the Home Purchase Assistance Fund is obliged to repay money advanced to that Fund by, for example, the Rental Bond Board. As a result of the transfer, the right to repayment will vest in the Home Purchase Assistance Authority.

Schedule 1 (6) inserts a new section 17A into the Act. The proposed section will enable the Minister administering the Act to waive or postpone, in whole or in part, the obligations to the Home Purchase Assistance Authority of the trustee of the Home Purchase Assistance Fund under any such loan agreement.

Miscellaneous

Schedule 1 (1) inserts various definitions into section 3 (**Definitions**) in connection with the other amendments made by the proposed Schedule.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

Building Services Corporation Act 1989

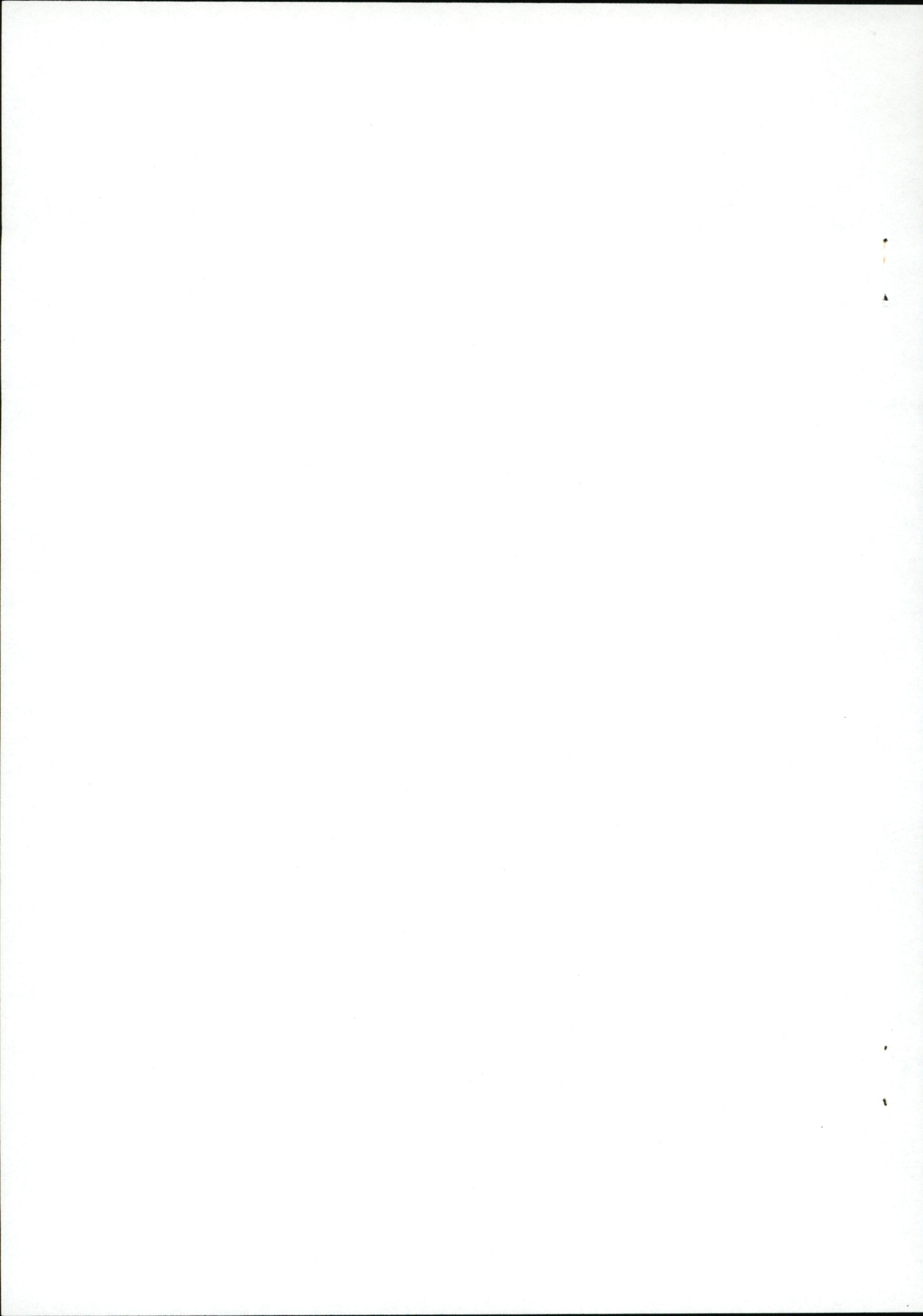
The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Building Services Corporation Account kept under section 113.

Landlord and Tenant (Rental Bonds) Act 1977

The proposed amendment to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Rental Bond Interest Account kept under section 20.

Property, Stock and Business Agents Act 1941

The proposed amendments to this Act will enable payments to be made to the Housing Reserve Fund from the surplus funds in the Real Estate Services Council Statutory Interest Account kept under section 63B and from the surplus funds in the Real Estate Services Council Compensation Fund kept under section 65.



SECOND PRINT

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES

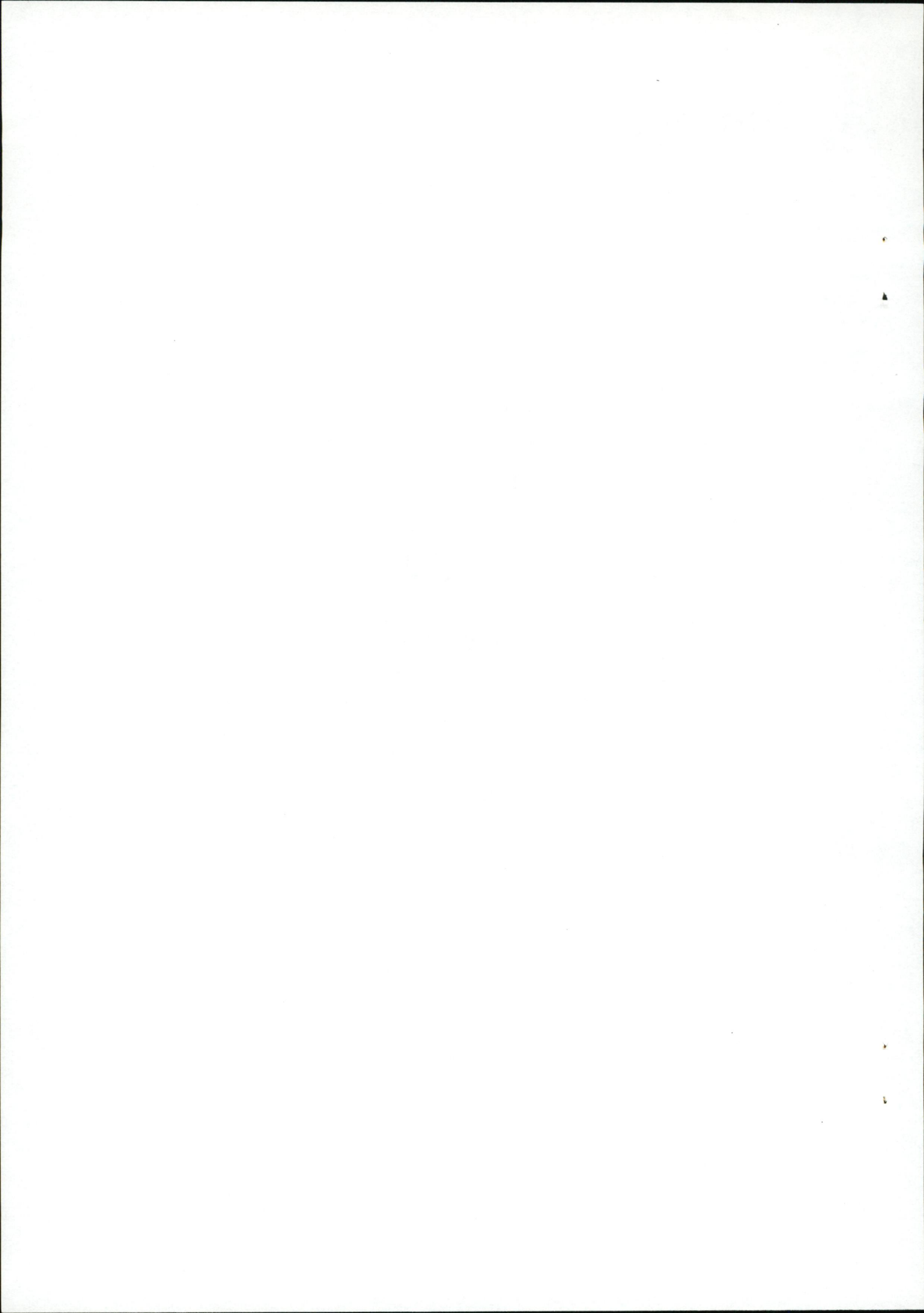


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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS



**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes.

Home Purchase Assistance Authority (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

10 Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

15

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

20

“Commonwealth/State housing agreement” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

25

“Home Purchase Assistance Fund” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

30

“Housing Reserve Fund” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

- “**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund; 5
- “**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund; 10
- (2) Section 4 (**Object of Act**):
- At the end of section 4 (b), insert:
- ; and
- (c) funding such other rental and home purchase assistance schemes as are directed by the Minister. 15
- (3) Section 13 (**Principal functions**):
- In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.
- (4) Section 13A:
- After section 13, insert: 20
- Establishment of Housing Reserve Fund**
- 13A. (1) The Authority is to establish a Housing Reserve Fund.
- (2) The following amounts may be paid into the Housing Reserve Fund: 25
- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund; 30
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund. 35

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- 5 (a) contributing to the Home Purchase Assistance Fund;
- (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
- 10 (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
- 15 (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
- 20 (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- 25 (a) Omit section 17 (1), insert instead:
- (1) This section applies to:
- (a) any asset, right or liability of the Housing Corporation; and
- 30 (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
- 35 (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held. 5
- (1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority. 10
- (1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) unless the Treasurer is satisfied that the money (or the money value of any such asset) is surplus to the current requirements of the account or fund concerned. 15
- (1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section. 20
- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred". 25
- (d) Omit section 17 (5), insert instead:
- (5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required. 30
- (6) Section 17A:
- After section 17, insert:
- Minister may waive or postpone obligations under certain transferred securities**
- 17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17. 35
40

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

5 After section 113 (2) (a), insert:

- (a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

10 **Landlord and Tenant (Rental Bonds) Act 1977 No. 44**

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

- 15 (2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

20 After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

- 25 63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

Home Purchase Assistance Authority (Amendment) 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

(2) Section 68 (**Expenditure**):

At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) ACT 1993 No. 92**

NEW SOUTH WALES

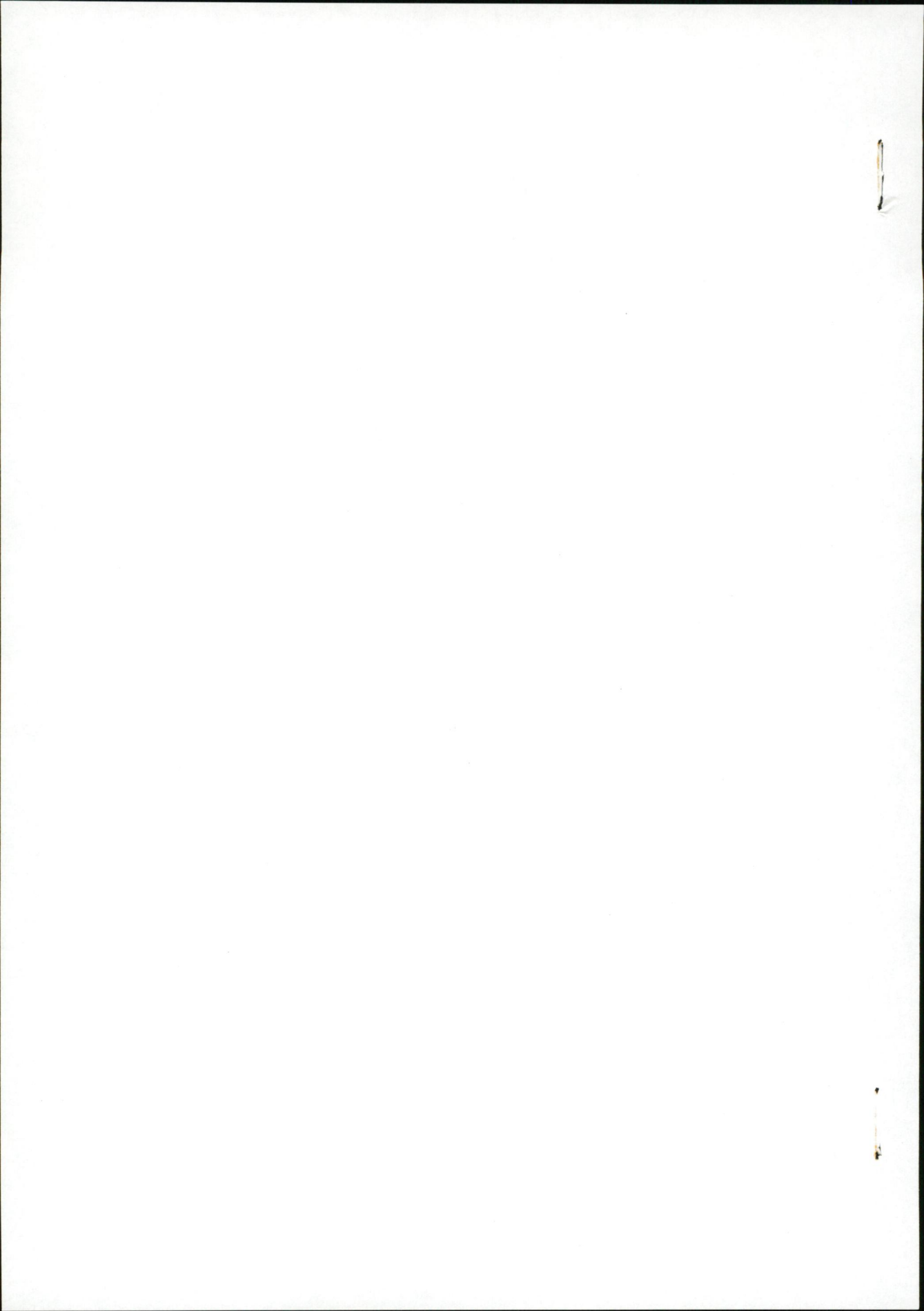


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SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE
AUTHORITY ACT 1993

SCHEDULE 2—AMENDMENT OF OTHER ACTS



**HOME PURCHASE ASSISTANCE AUTHORITY
(AMENDMENT) ACT 1993 No. 92**

NEW SOUTH WALES



Act No. 92, 1993

An Act to amend the Home Purchase Assistance Authority Act 1993 to establish a Housing Reserve Fund; to amend various other Acts to provide for the transfer to the Housing Reserve Fund of money held in funds kept under those other Acts; and for other purposes. [Assented to 29 November 1993]

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Purchase Assistance Authority (Amendment) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Home Purchase Assistance Authority Act 1993 No. 15

3. The Home Purchase Assistance Authority Act 1993 is amended as set out in Schedule 1.

Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert, in alphabetical order:

“**Commonwealth/State housing agreement**” means an agreement entered into between the Commonwealth and the State under section 4 of the Housing Assistance Act 1989 of the Commonwealth;

“**Home Purchase Assistance Fund**” means the fund established under the trust deed entitled “Trust Deed establishing the Home Purchase Assistance Fund”, being an agreement entered into on 14 February 1989 between the State, the Department of Housing, the Treasury, Permanent Custodians Limited and Permanent Trustee Company Limited;

“**Housing Reserve Fund**” means the Housing Reserve Fund established under section 13A;

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE ASSISTANCE AUTHORITY ACT 1993—*continued*

“**HPAF loan agreement**” means any agreement or arrangement under which the HPAF trustee is liable to pay interest on, or to repay the whole or any part of the principal of, money advanced to the Home Purchase Assistance Fund;

“**HPAF trustee**” means the person for the time being appointed as trustee of the Home Purchase Assistance Fund;

(2) Section 4 (**Object of Act**):

At the end of section 4 (b), insert:

; and

(c) funding such other rental and home purchase assistance schemes as are directed by the Minister.

(3) Section 13 (**Principal functions**):

In section 13 (2) (i), after “managing”, insert “the Housing Reserve Fund and”.

(4) Section 13A:

After section 13, insert:

Establishment of Housing Reserve Fund

13A. (1) The Authority is to establish a Housing Reserve Fund.

(2) The following amounts may be paid into the Housing Reserve Fund:

- (a) income derived from, or the proceeds of sale of, assets referred to in section 17 (1) (b), (c) or (d) that have been acquired by the Authority as a result of an order under section 17;
- (b) money that is appropriated by Parliament for the purposes of the Fund;
- (c) money that is authorised or required, by or under this or any other Act or law, to be paid into the Fund;
- (d) interest from time to time accruing from the investment of the Fund.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

- (3) Money may be paid out of the Housing Reserve Fund for any of the following purposes:
- (a) contributing to the Home Purchase Assistance Fund;
 - (b) contributing to the funding of any mortgage and rent relief program conducted by the State in accordance with any relevant Commonwealth/State housing agreement;
 - (c) complying with any determination of the HomeFund Commissioner under section 25 of the HomeFund Commissioner Act 1993 by which a co-operative housing society, or the Department of Housing, is ordered to pay money to a HomeFund borrower within the meaning of that Act;
 - (d) contributing to the funding of rental housing and home purchase assistance programs in accordance with the State's obligations to provide matching funds under any relevant Commonwealth/State housing agreement;
 - (e) contributing to the funding of any other housing program conducted or approved by the Minister, including any program for the restructuring of a HomeFund scheme.
- (5) Section 17 (**Minister may direct transfer of assets etc. to Authority**):
- (a) Omit section 17 (1), insert instead:
 - (1) This section applies to:
 - (a) any asset, right or liability of the Housing Corporation; and
 - (b) any money held in the Building Services Corporation Account kept under the Building Services Corporation Act 1989 and any other asset acquired by the Building Services Corporation from the investment of money so held; and
 - (c) any money held in the Rental Bond Interest Account kept under the Landlord and Tenant (Rental Bonds) Act 1977 and any other asset acquired by the Rental Bond Board from the investment of money so held; and

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

(d) any money held in the Real Estate Services Council Statutory Interest Account or the Real Estate Services Council Compensation Fund kept under the Property, Stock and Business Agents Act 1941 and any other asset acquired by the Real Estate Services Council from the investment of money so held.

(1A) With the concurrence of the Treasurer, the Minister may, by order in writing, direct that any asset, right or liability to which this section applies be transferred to the Authority.

(1B) The Treasurer's concurrence is not to be given to the making of an order with respect to any money or other asset referred to in subsection (1) (b), (c) or (d) if the amount of the money value of the asset (together with the amount of any money or the money value of any asset the subject of any earlier order or orders) exceeds the amount certified by the Secretary of the Treasury and an independent auditor as being surplus to the requirements of the account or fund concerned.

(1C) Subsection (1B) does not limit any other ground on which the Treasurer may grant or refuse concurrence under this section.

(1D) The power conferred on the Minister by subsection (1A) may not be exercised after 30 June 1995 with respect to any money or other asset referred to in subsection (1) (b), (c) or (d).

- (b) From section 17 (2) (a) and (b), omit "of the Housing Corporation" wherever occurring.
- (c) From section 17 (2) (c), (d) and (e), omit "the Housing Corporation" wherever occurring, insert instead "the person or body from which it was transferred".
- (d) Omit section 17 (5), insert instead:

(5) If a lease is transferred to the Authority by an order under this section, no attornment to the Authority by the lessee is required.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 1—AMENDMENT OF HOME PURCHASE
ASSISTANCE AUTHORITY ACT 1993—*continued*

(6) Section 17A:

After section 17, insert:

Minister may waive or postpone obligations under certain transferred securities

17A. With the concurrence of the Treasurer, the Minister may, by notice in writing served on the HPAF trustee, waive or postpone (in whole or in part) the HPAF trustee's obligations to the Authority under any HPAF loan agreement that is transferred to the Authority by an order under section 17.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

Building Services Corporation Act 1989 No. 147

Section 113 (**General Account**):

After section 113 (2) (a), insert:

- (a1) to the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993—such amounts as may from time to time be specified in an order under section 17 of that Act; and

Landlord and Tenant (Rental Bonds) Act 1977 No. 44

Section 20 (**Rental Bond Interest Account**):

After section 20 (2D), insert:

(2E) There are to be paid from the Rental Bond Interest Account into the Housing Reserve Fund established under the Home Purchase Assistance Authority Act 1993 such amounts as may from time to time be specified in an order under section 17 of that Act.

Home Purchase Assistance Authority (Amendment) Act 1993 No. 92

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

Property, Stock and Business Agents Act 1941 No. 28

(1) Section 63G:

After section 63F, insert:

Application of money for the purposes of the Home Purchase Assistance Authority Act 1993

63G. In addition to payments made under sections 63D, 63E and 63F, such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the Statutory Interest Account into the Housing Reserve Fund established under that Act.

(2) Section 68 (**Expenditure**):

At the end of section 68, insert:

(2) In addition to payments made under subsection (1), such amounts as may from time to time be specified in an order under section 17 of the Home Purchase Assistance Authority Act 1993 are to be paid from the fund into the Housing Reserve Fund established under that Act.

[*Minister's second reading speech made in—
Legislative Council on 10 November 1993
Legislative Assembly on 16 November 1993*]

