

Introduced by Ms Diane Beamer, MP

First print



New South Wales

Public Servant Housing Authority (Dissolution) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The Public Servant Housing Authority of New South Wales is a statutory corporation established by the *Public Servant Housing Authority Act 1975*. The principal object of the Authority is to provide and maintain suitable and adequate housing accommodation for public servants.

The objects of this Bill are:

- (a) to dissolve the Public Servant Housing Authority, and
 - (b) to transfer the assets, rights and liabilities of the dissolved Authority to the Crown, and
 - (c) to close the Public Servant Housing Authority Account and to transfer any money in that Account to the Consolidated Fund, and
 - (d) to repeal the *Public Servant Housing Authority Act 1975*, and
 - (e) to amend various other Acts and regulations consequentially.
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Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be proclaimed.

Clause 3 defines certain terms used in the proposed Act.

Part 2 Dissolution of Authority and transfer of assets, rights and liabilities

Clause 4 dissolves the Public Servant Housing Authority created under the *Public Servant Housing Authority Act 1975*.

Clause 5 removes from office the members of the Public Servant Housing Authority.

Clause 6 transfers all assets, rights and liabilities of the Public Servant Housing Authority to the Crown.

Clause 7 provides that instruments connected with the transfer of assets, rights and liabilities from the Public Servant Housing Authority to the Crown are not chargeable with stamp duty.

Clause 8 provides for "The State of New South Wales" to be recorded as the registered proprietor of any land transferred as a result of proposed section 6.

Clause 9 closes the Public Servant Housing Authority Account and transfers any money in that Account to the Consolidated Fund.

Part 3 Miscellaneous

Clause 10 enables regulations to be made containing savings and transitional provisions.

Clause 11 provides that a reference in any instrument to the Public Servant Housing Authority is to be read as a reference to the Crown.

Clause 12 repeals the *Public Servant Housing Authority Act 1975*.

Clause 13 gives effect to Schedule 1 which amends other Acts and regulations to omit references to the Public Servant Housing Authority and to make other consequential amendments.

Schedule 1 Consequential amendments to other laws

Schedule 1 amends other laws consequentially.

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New South Wales

Public Servant Housing Authority (Dissolution) Bill 1996

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New South Wales

Public Servant Housing Authority (Dissolution) Bill 1996

No. , 1996

A Bill for

An Act to dissolve the Public Servant Housing Authority of New South Wales; to transfer the assets, rights and liabilities of that Authority to the Crown; to repeal the *Public Servant Housing Authority Act 1975*; to consequentially amend certain other laws; and for other purposes.

Clause 1 Public Servant Housing Authority (Dissolution) Bill 1996

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Public Servant Housing Authority (Dissolution) Act 1996*.

5

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Definitions

In this Act:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents. 10

Authority means the Public Servant Housing Authority of New South Wales constituted under the *Public Servant Housing Authority Act 1975*. 15

instrument means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court. 20

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent).

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

Part 2 Dissolution of Authority and transfer of assets, rights and liabilities

4 Dissolution of Authority

The Authority is dissolved.

5 Members of Authority to vacate office

5

A person who, immediately before the dissolution of the Authority, held office as a member of the Authority:

- (a) ceases to hold that office, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

10

6 Transfer of assets, rights and liabilities of Authority

(1) The assets, rights and liabilities of the Authority are transferred to the Crown.

(2) On the transfer, the following provisions have effect:

(a) the assets of the Authority vest in the Crown by virtue of this section and without the need for any conveyance, transfer, assignment or assurance,

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(b) the rights and liabilities of the Authority become by virtue of this section the rights and liabilities of the Crown,

(c) all proceedings commenced before the transfer by or against the Authority and pending immediately before the transfer are taken to be proceedings pending by or against the Crown,

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(d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Authority is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Crown.

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(3) The operation of this section is not to be regarded:

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(a) as a breach of contract or confidence or otherwise as a civil wrong, or

Clause 6 Public Servant Housing Authority (Dissolution) Bill 1996

Part 2 Dissolution of Authority and transfer of assets, rights and liabilities

- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability. 5

- (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to the Crown by a lessee from the Authority is required. 10

7 Stamp duty

Stamp duty is not chargeable in respect of:

- (a) a transfer of assets, rights and liabilities by operation of section 6, or 15
- (b) anything certified by the Minister for Urban Affairs and Planning as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

8 Registered proprietor of land 20

If land under the provisions of the *Real Property Act 1900* is vested in the Crown by operation of section 6, "The State of New South Wales" may be recorded as the registered proprietor of the land.

9 Closure of Public Servant Housing Authority Account 25

The Public Servant Housing Authority Account is closed and any money standing to the credit of the Account is transferred to the Consolidated Fund.

Part 3 Miscellaneous

10 Savings and transitional regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act. 5

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 10
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the date of its publication, or

 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 15

11 Construction of references to Authority

A reference in any Act, in any instrument made under any Act or in any document of any kind to the Authority is to be construed as a reference to the Crown. 20

12 Repeal of Public Servant Housing Authority Act 1975 No 38

The *Public Servant Housing Authority Act 1975* is repealed.

13 Consequential amendments to other laws

Each Act or Regulation specified in Schedule 1 is amended as set out in that Schedule. 25

Schedule 1 Consequential amendments to other laws

(Section 13)

1.1 Land Tax Management Regulation 1992

Schedule 1 Public Authorities

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Omit "Public Servant Housing Authority".

**1.2 Public Authorities (Financial Arrangements) Act 1987
No 33**

Schedule 1 Authorities

Omit "Public Servant Housing Authority of New South Wales.". 10

1.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory Bodies

Omit "Public Servant Housing Authority of New South Wales.".

1.4 Public Sector Management Act 1988 No 33

[1] Section 99 Deductions for rent etc in certain cases

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Omit "the Public Servant Housing Authority of New South Wales or" from section 99 (3).

[2] Section 99 (3)

Omit "the Authority concerned" wherever occurring.
Insert instead "that Authority".

20

1.5 Public Sector Management (General) Regulation 1988

Clause 20 Use of public buildings for the purpose of residence

Omit “the Public Servant Housing Authority of New South Wales or”.

1.6 Teaching Services Act 1980 No 23

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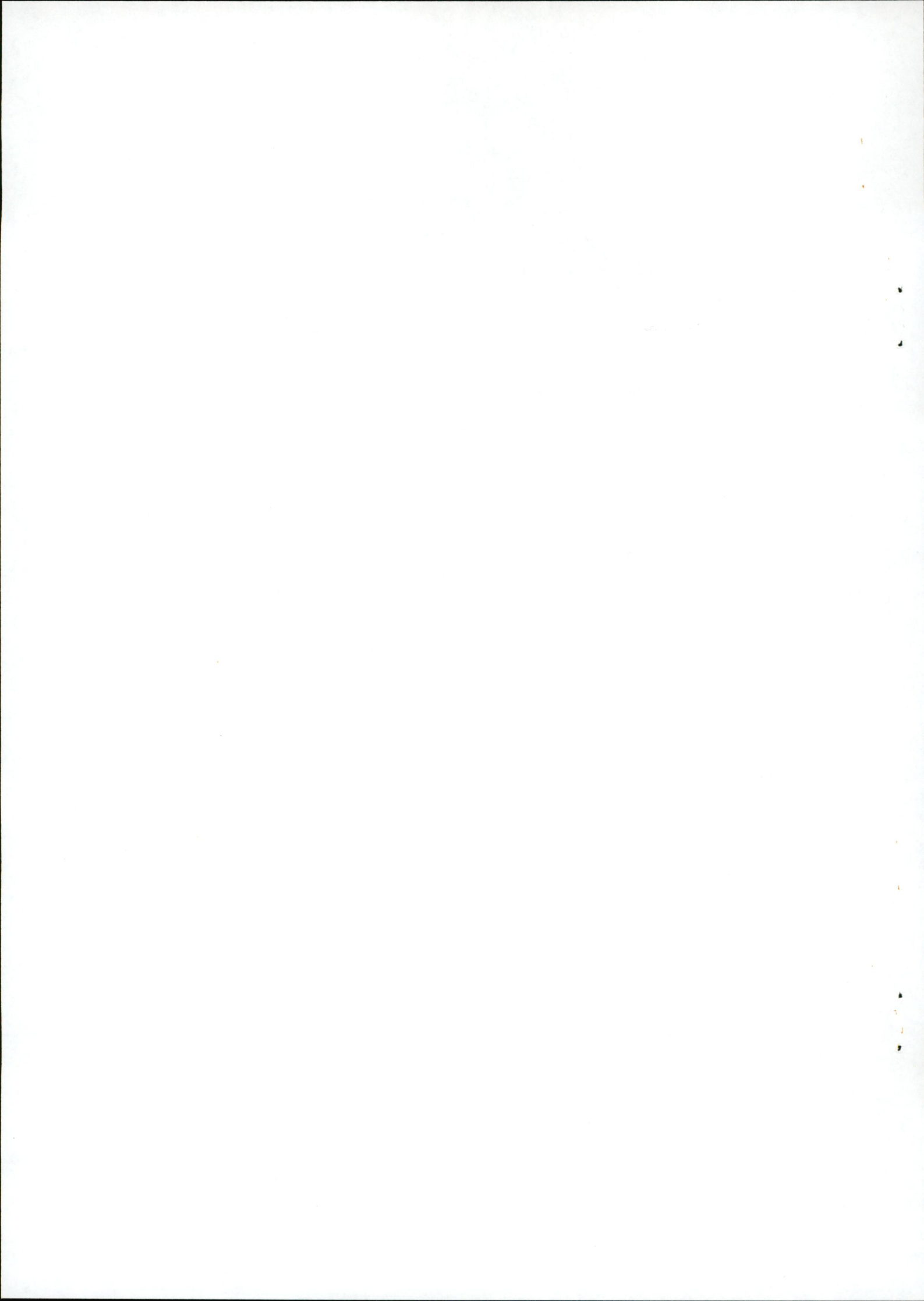
[1] Section 92 Deduction from salary or wages for use of building or provision of services

Omit “or the Public Servant Housing Authority of New South Wales” from section 92 (2).

[2] Section 92 (2)

10

Omit “the Authority concerned” wherever occurring.
Insert instead “that Authority”.





New South Wales

Public Servant Housing Authority (Dissolution) Act 1996 No 14

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New South Wales

Public Servant Housing Authority (Dissolution) Act 1996 No 14

Act No 14, 1996

An Act to dissolve the Public Servant Housing Authority of New South Wales; to transfer the assets, rights and liabilities of that Authority to the Crown; to repeal the *Public Servant Housing Authority Act 1975*; to consequentially amend certain other laws; and for other purposes. [Assented to 5 June 1996]

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Public Servant Housing Authority (Dissolution) Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Definitions

In this Act:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

Authority means the Public Servant Housing Authority of New South Wales constituted under the *Public Servant Housing Authority Act 1975*.

instrument means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent).

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

Part 2 Dissolution of Authority and transfer of assets, rights and liabilities

4 Dissolution of Authority

The Authority is dissolved.

5 Members of Authority to vacate office

A person who, immediately before the dissolution of the Authority, held office as a member of the Authority:

- (a) ceases to hold that office, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

6 Transfer of assets, rights and liabilities of Authority

- (1) The assets, rights and liabilities of the Authority are transferred to the Crown.
- (2) On the transfer, the following provisions have effect:
 - (a) the assets of the Authority vest in the Crown by virtue of this section and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the rights and liabilities of the Authority become by virtue of this section the rights and liabilities of the Crown,
 - (c) all proceedings commenced before the transfer by or against the Authority and pending immediately before the transfer are taken to be proceedings pending by or against the Crown,
 - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Authority is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Crown.
- (3) The operation of this section is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or

- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to the Crown by a lessee from the Authority is required.

7 Stamp duty

Stamp duty is not chargeable in respect of:

- (a) a transfer of assets, rights and liabilities by operation of section 6, or
- (b) anything certified by the Minister for Urban Affairs and Planning as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

8 Registered proprietor of land

If land under the provisions of the *Real Property Act 1900* is vested in the Crown by operation of section 6, "The State of New South Wales" may be recorded as the registered proprietor of the land.

9 Closure of Public Servant Housing Authority Account

The Public Servant Housing Authority Account is closed and any money standing to the credit of the Account is transferred to the Consolidated Fund.

Part 3 Miscellaneous

10 Savings and transitional regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

11 Construction of references to Authority

A reference in any Act, in any instrument made under any Act or in any document of any kind to the Authority is to be construed as a reference to the Crown.

12 Repeal of Public Servant Housing Authority Act 1975 No 38

The *Public Servant Housing Authority Act 1975* is repealed.

13 Consequential amendments to other laws

Each Act or Regulation specified in Schedule 1 is amended as set out in that Schedule.

Schedule 1 Consequential amendments to other laws

(Section 13)

1.1 Land Tax Management Regulation 1992

Schedule 1 Public Authorities

Omit "Public Servant Housing Authority".

1.2 Public Authorities (Financial Arrangements) Act 1987 No 33

Schedule 1 Authorities

Omit "Public Servant Housing Authority of New South Wales."

1.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory Bodies

Omit "Public Servant Housing Authority of New South Wales."

1.4 Public Sector Management Act 1988 No 33

[1] Section 99 Deductions for rent etc in certain cases

Omit "the Public Servant Housing Authority of New South Wales or" from section 99 (3).

[2] Section 99 (3)

Omit "the Authority concerned" wherever occurring.
Insert instead "that Authority".

1.5 Public Sector Management (General) Regulation 1988

Clause 20 Use of public buildings for the purpose of residence

Omit “the Public Servant Housing Authority of New South Wales or”.

1.6 Teaching Services Act 1980 No 23

[1] Section 92 Deduction from salary or wages for use of building or provision of services

Omit “or the Public Servant Housing Authority of New South Wales” from section 92 (2).

[2] Section 92 (2)

Omit “the Authority concerned” wherever occurring.
Insert instead “that Authority”.

[Member’s second reading speech made in—
Legislative Assembly on 18 April 1996
Minister’s second reading speech made in—
Legislative Council on 29 May 1996]

