

**HOUSING (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 45, 1971.**

An Act to extend the powers of The Housing Commission of New South Wales in relation to the acquisition and leasing of land; to validate certain matters; for these and other purposes to amend the Housing Act, 1912; and for purposes connected therewith. [Assented to, 14th December, 1971.]

**BE**

*Housing (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by **No. 45, 1971** and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Housing (Amendment) **Short title.** Act, 1971".

2. The Housing Act, 1912, is amended—

Amend-  
ment of  
Act No. 7,  
1912.

(a) by omitting the short heading "*Purchase or resumption of land.*" next before section four and by inserting in lieu thereof the short heading "*Acquisition of property.*";

Sec. 4.  
(Short  
heading.)

(b) by omitting from section 4A the words "two hundred thousand dollars" and by inserting in lieu thereof the words "one million dollars";

Sec. 4A.  
(Purchase  
or resump-  
tion not to  
exceed  
\$1,000,000.)

(c) by inserting next after section 4D the following new section:—

New sec.  
4E.

4E. (1) The Commission may acquire by gift, devise or bequest any property for any of the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

Power to  
accept  
gifts, &c.

(2) Any property acquired by the Commission subject to a condition shall, notwithstanding any other provision of this Act, not be dealt with by the Commission except in accordance with the condition.

(3) The rule of law relating to perpetuities shall not apply to any condition of any gift, devise or bequest to which the Commission has agreed.

(d)

*Housing (Amendment).*

- No. 45, 1971**  
**Sec. 8.**  
(Disposal of land and buildings.)
- (d) (i) by inserting next after subsection two of section eight the following new subsection :—  
 (2A) The Commission may lease, or grant a licence to any person to use, any land vested in or acquired by the Commission pursuant to section four or 4E of this Act upon which buildings are not erected for such term and upon such conditions as it may determine.
- (ii) by inserting in subsection four of the same section after the word “lease” the words “or licence”;
- (iii) by inserting in the same subsection after the word “rental” wherever occurring the words “or fee”;
- Sec. 9.**  
(Lease and licence to be in writing.)
- (e) by inserting at the end of section nine the following new subsection :—  
 (2) Every licence granted by the Commission pursuant to subsection (2A) of section eight of this Act shall be in writing.
- New sec. 10A.**
- (f) by inserting next after section ten the following new section :—  
 10A. (1) In this section—  
 “land” means land that is being sold on terms by—  
 (a) the Commission; or  
 (b) the Rural Bank of New South Wales as delegate of the Commission;
- “purchaser” means a person who has agreed to purchase land upon which a dwelling is erected and, for the purposes of paragraph (a) of subsection three of this section, includes any person entitled to an estate in the land under the estate of the person who has agreed to purchase the land under such an agreement but does not include an executor

*Housing (Amendment).*

---

executor of the will or an administrator of No. 45, 1971  
the estate of the person who has agreed to  
purchase the land under such an agreement;

“work” includes altering, enlarging, repairing,  
re-building and otherwise effecting improve-  
ments to or in respect of a dwelling and the  
installation of water supply and sewerage  
services and the connection of those services  
to existing mains or submains of a water  
supply or sewerage authority.

(2) Subject to subsections four and five of  
this section, the Commission may upon a request  
made in accordance with subsection three of this  
section, carry out any work specified in the request.

(3) A request for any work to be carried  
out in respect of a dwelling erected on any land  
shall be in writing and may be made to the  
Commission—

(a) where there is one purchaser of the land, by  
that purchaser or, where there are two or  
more purchasers of the land, by all of those  
purchasers; or

(b) where—

(i) there is one purchaser of the land,  
and that purchaser does not  
ordinarily reside in the dwelling  
erected thereon—by the spouse of  
that purchaser if that spouse  
ordinarily resides in the dwelling, or  
by any child of that spouse over the  
age of eighteen years who ordinarily  
resides in the dwelling or jointly  
by that spouse and child; or

(ii) there are two or more purchasers of  
the land and one or more of those  
purchasers does not ordinarily reside  
in the dwelling erected thereon—  
by any purchaser who ordinarily  
resides

*Housing (Amendment).*

---

No. 45, 1971

resides in the dwelling or by any child of any such purchaser over the age of eighteen years who ordinarily resides in the dwelling or jointly by any such purchaser and child.

(4) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (a) of subsection three of this section unless a written agreement has been executed by the purchaser or all of the purchasers, as the case may be, and the Commission—

- (a) in which the purchaser agrees, or all of the purchasers agree, to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount within one month after service upon him or them of a copy of that certificate; or
- (b) in which the purchaser agrees, or all of the purchasers agree, to a variation of the agreement for the sale of land—
  - (i) by increasing the balance of the purchase money payable under the agreement for the sale of land by an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission; and
  - (ii) by increasing the amount of the monthly instalments of purchase money payable under the agreement for the sale of land to an amount to

be

*Housing (Amendment).*

be determined by the Commission No. 45, 1971  
and specified in the certificate of the  
Accountant of the Commission.

(5) The Commission shall not commence to carry out any work pursuant to a request made in accordance with paragraph (b) of subsection three of this section unless a written agreement has been executed by the person or by all of the persons by whom the request was made and the Commission in which that person agrees or those persons agree to pay in respect of the work an amount to be determined by the Commission not exceeding the cost of the work and specified in a certificate of the Accountant of the Commission and to pay that amount—

- (a) within one month after service upon him or them of a copy of that certificate; or
- (b) by instalments, to be determined by the Commission and specified in the certificate of the Accountant of the Commission, payable over a period not extending beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land, together with interest on the amount agreed to be paid.

(6) Nothing in subsection four of this section shall be construed as authorising the extension of the period for the payment of the balance of the purchase money beyond the period during which the balance of the purchase money is payable under the agreement for the sale of land.

(7) Except as provided by an agreement referred to in paragraph (b) of subsection four of this section, nothing in this section affects the terms of any agreement for the sale of land.

(8)

*Housing (Amendment).*

---

No. 45, 1971

(8) This section shall apply to an agreement for the sale of land upon which a dwelling is erected whether executed before or after the commencement of the Housing (Amendment) Act, 1971.

Validation. **3.** Any licence granted by the Commission before the commencement of this Act in respect of lands vested in or acquired by the Commission upon which buildings were not erected at the time the licence was granted is hereby validated.