

HOUSING (VALIDATION OF RESUMPTIONS) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

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

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

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

Clause 1 specifies the short title of the proposed Act.

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

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

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

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