



New South Wales

Housing Amendment (Community Housing Providers) Bill 2009

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Housing Act 2001* (*the Principal Act*):

- (a) to enable the Governor to vest land owned by the New South Wales Land and Housing Corporation (*the Corporation*) in a registered community housing provider that is also a company registered under the *Corporations Act 2001* of the Commonwealth, and
- (b) to provide for the registration by the Corporation of an interest in certain land such as land that has been so vested or the purchase of which was funded by the Corporation, and
- (c) to prevent certain dealings with land in which the Corporation has an interest without the consent of the Corporation, and
- (d) to provide other measures for the protection of the Corporation's interest in certain land.

Outline of provisions

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Housing Act 2001 No 52

Schedule 1 [1] makes an amendment by way of statute law revision.

Schedule 1 [2] inserts proposed section 67AA into the Principal Act which defines certain terms used in the amendments made by the proposed Act.

Schedule 1 [3] amends section 67C of the Principal Act to require the Registrar of Community Housing (*the Registrar*) to include in the register of community housing providers a copy of each notice of intent to cancel the registration of a community housing provider issued under section 67F of the Principal Act.

Schedule 1 [4] substitutes section 67F of the Principal Act which currently enables the Registrar to notify a registered community housing provider if it is failing to comply with the Principal Act or the regulations. The Registrar may then issue a notice of intent to cancel the provider's registration if the relevant matters are not rectified within a specified time. The Registrar may take action to cancel the registration without waiting for the relevant periods to expire if the failure to comply is serious and requires urgent action.

The amendments enable the Registrar to issue a notice of intent to cancel registration that allows a further period to address compliance matters if the community housing provider appoints a special adviser with specified qualifications in accordance with proposed section 67FA to assist it in addressing those matters. The amendments also enable the Registrar to issue a notice of intent to cancel registration without giving a prior notice if the failure to comply concerned is serious and requires urgent action.

Schedule 1 [5] inserts proposed section 67FA into the Principal Act which deals with the appointment of a special adviser by a community housing provider. The person appointed must be independent of the community housing provider.

Schedule 1 [6] amends section 67G of the Principal Act to enable the Registrar to cancel the registration of a community housing provider if the provider has not appointed a special adviser within the time specified in a notice of intent to cancel registration issued to the provider.

Schedule 1 [7] inserts proposed section 67GA into the Principal Act to require the Registrar to give to the Corporation copies of certain documents relating to action taken by the Registrar in respect of community housing providers, such as each notice of intent to cancel registration.

Schedule 1 [8] inserts proposed section 67HA into the Principal Act which sets out the circumstances in which the Corporation is taken to have an interest in land of a community housing provider for the purposes of Part 9A (Community housing) of the Principal Act. Those circumstances are where land owned by the Corporation has been vested in the community housing provider under the Principal Act, where land

has been acquired by the community housing provider using funds of the Corporation, where the Corporation makes improvements on the land or where a community housing agreement identifies the land as being land in which the Corporation has an interest.

Schedule 1 [9] amends section 67J of the Principal Act to provide that the Corporation may enter into a community housing agreement with a registered community housing provider for the purposes of providing assistance (as is currently the case under section 67I of the Principal Act) and with respect to land that has been vested or transferred by order, or in accordance with an instruction given, under Part 9A of the Principal Act.

Schedule 1 [10] inserts proposed sections 67K–67N into the Principal Act.

Proposed section 67K enables a community housing agreement to contain conditions relating to land in which the Corporation has an interest and specifies some examples of the types of conditions that may be included.

Proposed section 67L prevents a community housing provider from transferring or otherwise dealing with land in which the Corporation has an interest without the Corporation's consent.

The Corporation may register its interest in the land on the Register kept under the *Real Property Act 1900* and, if the interest is registered, the Registrar-General is not to register any dealing with the land unless the consent of the Corporation has been obtained to the dealing.

Proposed section 67M enables a community housing agreement to provide that land of a community housing provider that is a party to the agreement is to be charged with the payment of money that is or may become payable under the agreement. If the land is land to which the *Real Property Act 1900* applies, the charge over the land is to be registered in accordance with that Act.

Proposed section 67N states that a community housing agreement is binding on the community housing provider that is a party to the agreement and enables the Corporation to monitor the activities of a community housing provider to determine whether it is complying with the terms of the agreement.

Schedule 1 [11] inserts proposed Divisions 4–6 into Part 9A of the Principal Act.

Proposed Division 4 consists of the following proposed sections:

Proposed section 67O enables the Governor, by order published in the Gazette, to vest land owned by the Corporation in a registered community housing provider that is also a registered company under the *Corporations Act 2001* of the Commonwealth.

Proposed section 67P states the effect of the vesting, including that the rights and liabilities of the Corporation in relation to the land become the rights and liabilities of the community housing provider in which the land is vested.

Proposed Division 5 contains the following proposed sections:

Proposed section 67Q enables the Director-General of the Department of Human Services to require, by notice in writing, a registered community housing provider or an officer of the community housing provider to provide specified information and records relating to the assets and liabilities of the community housing provider or any financial matter relating to the community housing provider or to take specified measures to facilitate the Director-General's access to such information.

Proposed section 67R enables the Corporation to give instructions to a community housing provider that holds land in which the Corporation has registered an interest under proposed section 67L, or an officer of such a community housing provider, if the Corporation cancels the registration of the provider, the provider becomes insolvent or the land has been vested in or transferred to the provider under Part 9A of the Principal Act and the provider has failed to enter into a community housing agreement with the Corporation in respect of the land within a specified period. The instructions may require the transfer of the land to the Corporation or a specified registered community housing provider or compliance with a term or condition of a community housing agreement that is binding on the community housing provider. An officer of a community housing provider includes a receiver, liquidator or administrator of the community housing provider.

Proposed section 67S declares proposed sections 67Q and 67R to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth. The effect of the declaration is to enable those proposed sections to prevail despite any inconsistencies with the Commonwealth Act.

Proposed Division 6 consists of the following proposed sections:

Proposed section 67T contains provisions relating to the operation of proposed Divisions 4 and 5 including provisions that ensure that the operation of those proposed Divisions will not give rise to any claim for compensation or be taken as a breach of contract.

Proposed section 67U provides that no duty is payable under the *Duties Act 1997* in relation to vestings or transfers of land under proposed Division 4 or 5.

Proposed section 67V provides that no compensation is payable by the Crown in connection with the operation of Part 9A of the Principal Act.

Schedule 1 [12] amends Schedule 3 to the Principal Act to enable regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.

First print



New South Wales

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New South Wales

Housing Amendment (Community Housing Providers) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Housing Act 2001* to make further provision in relation to community housing providers; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Housing Amendment (Community Housing Providers) Act 2009</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Housing Act 2001 No 52	1
[1]	Section 3 Definitions	2
	Omit the definition of <i>Department</i> . Insert instead:	3
	<i>Department</i> means the Department of Human Services.	4
[2]	Part 9A, Division 1A	5
	Insert after the heading to Part 9A:	6
	Division 1A Interpretation	7
67AA	Definitions	8
	In this Part:	9
	<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.	10 11 12 13 14
	<i>instrument</i> 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.	15 16 17 18
	<i>land</i> includes:	19
	(a) a legal or equitable estate or interest in the land, or	20
	(b) an easement, right, charge, power or privilege over, or in connection with, the land.	21 22
	<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).	23 24 25
	<i>new owner</i> , in relation to land vested by an order under this Part, means the community housing provider in which the land is vested by the order.	26 27 28
	<i>notice of intent to cancel registration</i> means a notice issued under section 67F (3).	29 30
	<i>notice of non-compliance</i> means a notice issued under section 67F (2).	31 32
	<i>officer</i> of a registered community housing provider has the same meaning as the term <i>officer</i> of a corporation has in the <i>Corporations Act 2001</i> of the Commonwealth.	33 34 35

	<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent and whether personal or assignable).	1 2 3
	<i>vesting date</i> , in relation to land vested in a community housing provider by an order under this Part, means the date on which the vesting takes effect.	4 5 6
[3]	Section 67C Register	7
	Insert after section 67C (2):	8
	(2A) Without limiting subsection (2), the Registrar is to include in the register a copy of each notice of intent to cancel registration issued to a registered community housing provider.	9 10 11
[4]	Section 67F	12
	Omit the section. Insert instead:	13
	67F Compliance with Act and regulations	14
	(1) The Registrar may take action under this section if the Registrar reasonably believes that a registered community housing provider is not complying with this Act or the regulations.	15 16 17
	(2) The Registrar may issue to a registered community housing provider a notice in writing (a <i>notice of non-compliance</i>) identifying the matters required to be addressed in order to avoid cancellation of the provider's registration and specifying a period of at least 30 days in which those matters are to be addressed.	18 19 20 21 22
	(3) The Registrar may issue a <i>notice of intent to cancel registration</i> to a registered community housing provider if the Registrar is of the opinion that:	23 24 25
	(a) the provider has not addressed the matters identified in a notice of non-compliance issued to the provider within the period specified in the notice of non-compliance, or	26 27 28
	(b) the provider's failure to comply with this Act or the regulations is serious and requires urgent action.	29 30
	(4) A notice of intent to cancel registration is a notice in writing that identifies the matters that the Registrar considers warrant cancellation of the provider's registration and states:	31 32 33
	(a) that the provider's registration will be cancelled unless, within the period specified in the notice (being a period of at least 14 days), the provider satisfies the Registrar that its registration should not be cancelled, or	34 35 36 37

(b)	that the provider’s registration will be cancelled unless:	1
(i)	within the period specified in the notice (being a period of at least 14 days), the provider appoints in accordance with section 67FA a person with qualifications of a kind specified in the notice as a special adviser to assist the provider to address those matters, and	2 3 4 5 6 7
(ii)	within such further period specified in the notice, the provider reports to the Registrar on those matters and satisfies the Registrar that its registration should not be cancelled.	8 9 10 11
(5)	Any period specified in a notice under this section may be extended in writing by the Registrar at the request of the community housing provider concerned if the Registrar is satisfied that there are good reasons for extending the period.	12 13 14 15
[5]	Section 67FA	16
	Insert after section 67F:	17
67FA	Appointment of special adviser	18
(1)	A special adviser is a person appointed by a registered community housing provider for the purposes of a notice of intent to cancel registration issued to the provider.	19 20 21
(2)	A special adviser is to be appointed to assist the provider in complying with this Act and the regulations and, in particular, to assist the provider in addressing the matters identified in the notice of intent to cancel registration.	22 23 24 25
(3)	A special adviser is to be a person who is independent of the community housing provider.	26 27
(4)	The costs relating to the appointment of a special adviser and payable to a special adviser are payable by the community housing provider.	28 29 30
(5)	The community housing provider is to give the special adviser access to any accounts, records or other documents that the special adviser considers necessary to inspect in order to carry out his or her functions as special adviser.	31 32 33 34
[6]	Section 67G Cancellation of registration	35
	Insert “or to appoint a special adviser as referred to in section 67F (4) (b)” after “cancelled” in section 67G (1) (d).	36 37

[7] Section 67GA	1
Insert after section 67G:	2
67GA Information to be provided to Corporation by Registrar	3
The Registrar is to give the Corporation a copy of the following:	4
(a) each notice of intent to cancel registration,	5
(b) each extension granted by the Registrar under section 67F (5),	6 7
(c) each notice of cancellation of registration given by the Registrar under section 67G (2).	8 9
[8] Section 67HA	10
Insert before section 67I:	11
67HA Circumstances in which Corporation is considered to have interest in certain land	12 13
For the purposes of this Part, the Corporation is taken to have an interest in land of a community housing provider in the following circumstances:	14 15 16
(a) if the land is vested in, or transferred to, the community housing provider by an order under this Part or in accordance with an instruction given under this Part,	17 18 19
(b) if the land is acquired by the community housing provider wholly or partly with funding provided by the Corporation,	20 21
(c) if the Corporation constructs housing or makes other improvements on the land,	22 23
(d) if a community housing agreement with the community housing provider identifies the land as being land in which the Corporation has an interest.	24 25 26
[9] Section 67J Community housing agreements	27
Insert before section 67J (1):	28
(1A) The Corporation may enter into a community housing agreement with a registered community housing provider:	29 30
(a) for the purposes of providing assistance under section 67I, or	31 32
(b) with respect to land that has been vested in or transferred to the community housing provider by order under this Part or in accordance with an instruction given under this Part.	33 34 35 36

[10] Sections 67K–67N	1
Insert after section 67J:	2
67K Conditions of community housing agreements relating to land in which Corporation has an interest	3
A community housing agreement may include conditions relating to any land of the community housing provider concerned in which the Corporation has an interest, including conditions that have effect if:	5
(a) the community housing provider fails to use the land for the purposes contemplated by the agreement, or	9
(b) the community housing provider proposes to sell or otherwise dispose of the land, or	11
(c) the registration of the community housing provider is cancelled under this Act.	13
67L No dealings in land in which Corporation has an interest without consent of Corporation	15
(1) A community housing provider must not transfer or otherwise deal with land in which the Corporation has an interest unless:	17
(a) the Corporation consents to the transfer or other dealing, or	19
(b) the transfer or other dealing is authorised, or is of a class that is authorised, by a community housing agreement with that community housing provider (<i>an exempt transaction</i>), or	20
(c) a community housing agreement with the community housing provider provides that this section does not apply to the land concerned.	24
(2) The Corporation must not unreasonably withhold consent under subsection (1) (a).	27
(3) The Registrar-General must, on application by the Corporation, make a recording in the Register kept under the <i>Real Property Act 1900</i> to signify that the land specified in the application is subject to this section.	29
(4) The application is to provide details of any exempt transactions.	33
(5) If a recording under subsection (3) has been made by the Registrar-General, the Registrar-General is not to register under	34

the <i>Real Property Act 1900</i> a transfer of that land or any other dealing that is otherwise registrable under that Act unless:	1
(a) the consent of the Corporation to the transfer or other dealing has been endorsed on the transfer or other dealing, or	2
(b) the transfer or other dealing is an exempt transaction (as notified to the Registrar-General by the Corporation), or	3
(c) the recording has ceased to have effect (as recorded by the Registrar-General under subsection (6)).	4
(6) The Registrar-General must, on the application of the Corporation, make in the Register a recording to signify that a recording made under subsection (3) has ceased to have effect.	5
(7) An application by the Corporation under this section is to be made in an approved form under the <i>Real Property Act 1900</i> and is to be accompanied by such fee, if any, as may be prescribed by the regulations under that Act.	6
(8) If the Corporation makes an application under this section, the Registrar-General is not to inquire into whether the Corporation has an interest in the land concerned or into the terms of any community housing agreement.	7
(9) This section does not affect the operation of any other prohibition or restriction relating to transfers or other dealings in land.	8
67M Creation of charge in agreement	9
(1) A community housing agreement may provide that land of a community housing provider that is a party to a community housing agreement is to be charged with the payment of money that is or may become payable under the agreement.	10
(2) If the land is land to which the <i>Real Property Act 1900</i> applies, section 56 of that Act applies in respect of any such charge.	11
67N Agreements binding on community housing providers	12
(1) A community housing agreement is binding on the community housing provider to which it relates.	13
(2) The Corporation may monitor the activities of a community housing provider to determine whether it is complying with the terms and conditions of a community housing agreement.	14

[11] Part 9A, Divisions 4–6	1
Insert before Part 10:	2
Division 4 Vesting of Corporation land in registered community housing providers	3
	4
67O Vesting of Corporation land in registered community housing provider	5
	6
(1) The Governor may, by order published in the Gazette, vest land owned by the Corporation in a registered community housing provider that is a company registered under the <i>Corporations Act 2001</i> of the Commonwealth.	7
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(2) Land is authorised to be included in an order under this section even if the land is subject to other interests.	11
	12
(3) The vesting of the land in the registered community housing provider takes effect:	13
	14
(a) on the day specified in the order, or	15
	16
(b) if no day is specified in the order or the day specified in the order occurs before the order is published in the Gazette, on the day on which the order is published in the Gazette.	17
	18
(4) Subject to the other provisions of this section, land may be vested by order under this section despite any requirement of any other Act or law that relates to dealing with or disposing of the land.	19
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	21
67P Effect of vesting of land	22
(1) On the vesting date relating to land vested by order under this Division, the land vests in the new owner for an estate in fee simple:	23
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(a) without the need for any further conveyance, transfer, assignment or assurance, and	26
	27
(b) subject to any trusts, estates, interests, dedications, conditions, restrictions and covenants to which the land was subject immediately before the vesting date.	28
	29
	30
(2) On the vesting date relating to land vested by order under this Division, the following provisions have effect:	31
	32
(a) the rights or liabilities of the Corporation in relation to the land become by virtue of this section the rights or liabilities of the new owner,	33
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(b)	all proceedings relating to the land commenced before the vesting date by or against the Corporation or a predecessor of the Corporation and pending immediately before the vesting date are taken to be proceedings pending by or against the new owner,	1 2 3 4 5
(c)	any act, matter or thing done or omitted to be done in relation to the land before the vesting date by, to or in respect of the Corporation 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 new owner,	6 7 8 9 10
(d)	the new owner has all the entitlements and obligations of the Corporation in relation to those assets, rights and liabilities that the Corporation would have had but for the order, whether or not those entitlements and obligations were actual or potential at the time the order took effect,	11 12 13 14 15
(e)	a reference in any Act, in any instrument made under any Act or in any document of any kind to the Corporation or a predecessor of the Corporation is (to the extent that it relates to that land or those rights or liabilities but subject to the regulations) to be read as, or as including, a reference to the new owner.	16 17 18 19 20 21
(3)	Regulations may be made for or with respect to the conversion of references to the Corporation in any document or class of document to references to the new owner as a consequence of any vesting of land under this Division.	22 23 24 25
Division 5	Provisions to protect Corporation's interest in land	26 27
67Q	Director-General may require information from registered community housing provider	28 29
(1)	The Director-General may, by notice in writing, require a registered community housing provider or an officer of a registered community housing provider to do one or more of the following things:	30 31 32 33
(a)	provide, in accordance with directions in the notice, such information relating to the assets and liabilities of the community housing provider or any financial matter relating to the community housing provider as is specified in the notice,	34 35 36 37 38
(b)	produce, in accordance with directions in the notice, such records relating to the assets and liabilities of the community housing provider or any financial matter	39 40 41

relating to the community housing provider as are specified in the notice and permit examination of the records, the taking of extracts from them and the making of copies of them,	1 2 3 4
(c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),	5 6
(d) furnish to the Director-General such authorisations and consents as the Director-General requires for the purpose of enabling the Director-General to obtain information (including financial and other confidential information) from other persons relating to the assets and liabilities of the community housing provider or any financial matter relating to the community housing provider.	7 8 9 10 11 12 13
(2) A person who complies with a requirement of a notice under subsection (1) does not on that account incur a liability to another person.	14 15 16
(3) A person who is the subject of a notice under subsection (1) must comply with a requirement of the Director-General contained in the notice. Maximum penalty: 20 penalty units.	17 18 19 20
(4) A reference in this section:	21
(a) to an asset of a registered community housing provider extends to an asset that was previously owned by the community housing provider but has been disposed of, and	22 23 24
(b) to a registered community housing provider includes a reference to a community housing provider whose registration has been cancelled.	25 26 27
67R Instructions to community housing provider in relation to land in which Corporation has an interest	28 29
(1) The Corporation may take action under this section in respect of a community housing provider that holds land in which the Corporation has an interest if:	30 31 32
(a) the provider's registration under this Part is cancelled, or	33
(b) the provider has become insolvent, or	34
(c) the land was vested in or transferred to the provider by order under this Part or in accordance with an instruction given under this Part and the provider failed to enter into a community housing agreement with the Corporation with respect to the land before the expiration of the period of	35 36 37 38 39

	40 days after that vesting or transfer or the expiration of such other period as may be prescribed by the regulations.	1 2
(2)	The Corporation may give instructions to a community housing provider or an officer of a community housing provider requiring:	3 4 5
	(a) the transfer of land in which the Corporation has an interest so that it vests in the Corporation or in a specified registered community housing provider, or	6 7 8
	(b) that a term or condition of a community housing agreement that is binding on the community housing provider be complied with.	9 10 11
(3)	A community housing provider or officer of a community housing provider to whom an instruction is given under this section must comply with the instruction.	12 13 14
(4)	Before giving an instruction under this section, the Corporation is to have regard to the following matters:	15 16
	(a) the interests of any tenants of the community housing provider who may be affected,	17 18
	(b) the interests of any creditors of the community housing provider who may be affected.	19 20
(5)	This section applies to land in which the Corporation has an interest only if the interest has been recorded under section 67L (3).	21 22 23
67S	Displacement of Corporations Act 2001 (Cth) and other relevant legislation	24 25
(1)	Sections 67Q and 67R are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the <i>Corporations Act 2001</i> of the Commonwealth in relation to the provisions of that Act generally.	26 27 28 29
	Note. Section 5G of the <i>Corporations Act 2001</i> of the Commonwealth enables a State to displace the operation of the provisions of the Corporations legislation of the Commonwealth in favour of provisions of State laws that are declared under State law to be Corporations legislation displacement provisions for the purposes of that section. See, in particular, section 5G (4), (5) and (11) of the <i>Corporations Act 2001</i> of the Commonwealth in relation to the displacement effected by this section.	30 31 32 33 34 35 36 37
(2)	Sections 67Q and 67R prevail to the extent of any inconsistency with the <i>Associations Incorporation Act 1984</i> , the <i>Associations Incorporation Act 2009</i> and the <i>Co-operatives Act 1992</i> .	38 39 40

Division 6	Miscellaneous	1
67T	Provisions relating to operation of Divisions 4 and 5	2
(1)	Compensation is not payable to any person or body in connection with the operation of Division 4 or 5.	3 4
(2)	The operation of Division 4 or 5 is not to be regarded:	5
(a)	as a breach of contract or confidence or otherwise as a civil wrong, or	6 7
(b)	as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	8 9 10
(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.	11 12 13 14
(3)	The operation of Division 4 or 5 is not to be regarded as an event of default under any contract or other instrument.	15 16
(4)	No attornment to a person in whom property is vested or to whom property is transferred under Division 4 or 5 by a lessee of the previous owner of the property is required.	17 18 19
(5)	The operation of Division 4 or 5 includes the making of an order under Division 4, the giving of instructions under Division 5 and the taking of any action in compliance with such instructions.	20 21 22
67U	No duty payable in relation to vestings or transfers under Act	23
	Duty under the <i>Duties Act 1997</i> is not chargeable for or in respect of:	24 25
(a)	a vesting or transfer of property effected under Division 4 or 5, or	26 27
(b)	anything certified by the Minister as having been done in consequence of such a vesting or transfer.	28 29
67V	No compensation payable by Crown	30
(1)	Compensation is not payable by or on behalf of the Crown in connection with the operation of this Part.	31 32
(2)	Without limiting subsection (1), compensation is not payable by or on behalf of the Crown arising directly or indirectly from any of the following:	33 34 35
(a)	the publication in the register kept under section 67C of any notice of intent to cancel registration,	36 37

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(b)	the appointment of a special adviser under section 67FA,	1
(c)	the exercise by any person of any function of a special adviser under section 67FA or a failure by any person to exercise any such function.	2 3 4
(3)	In this section:	5
	<i>compensation</i> includes damages or any other form of monetary compensation.	6 7
	<i>the Crown</i> means the Crown within the meaning of the <i>Crown Proceedings Act 1988</i> , and includes an officer, employee or agent of the Crown.	8 9 10
[12]	Schedule 3 Savings, transitional and other provisions	11
	Insert at the end of clause 1 (1):	12
	<i>Housing Amendment (Community Housing Providers) Act 2009</i>	13