

# Public Servant Housing Authority (Dissolution) Act 1996 No 14

[1996-14]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 December 1999 to 7 July 2011 (accessed 25 November 2024 at 20:36)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Public Servant Housing Authority (Dissolution) Act 1996 No 14



New South Wales

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.

## 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 (Repealed)**

**Schedule 1 (Repealed)**