

TASMANIA

HOMES AMENDMENT BILL 2004

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HOMES AMENDMENT BILL 2004

(Brought in by the Minister for Health and Human Services, the Honourable David Edward Llewellyn)

A BILL FOR

An Act to amend the *Homes Act 1935*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Homes Amendment Act 2004*.

Commencement

2. This Act is taken to have commenced on 1 July 2004.

Principal Act

3. In this Act, the *Homes Act 1935** is referred to as the Principal Act.

*No. 98 of 1935

Section 15B amended (Interpretation of Part IV)

4. Section 15B of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of “adjustment rate”:

“costs of administration” means the
costs referred to in
section 17(5)(b)(v);

- (b) by omitting “1st July 1983” from paragraph (a) of the definition of “year” and substituting “1 July 2004”;
- (c) by omitting “1st July” from paragraph (b) of the definition of “year” and substituting “1 July”.

Section 17 amended (Sale of dwelling-houses)

5. Section 17 of the Principal Act is amended as follows:

- (a) by omitting subparagraph (v) from subsection (5)(b) and substituting the following subparagraph:

(v) subject to subsections (5B), (5C)
and (5D), the costs of
administration.

- (b) by omitting subsection (5A) and substituting the following subsections:

(5A) For the year commencing on
1 July 2004 (in this section referred to as “the
new base year”), the costs of administration
are to be \$156.00.

(5AB) After the new base year, the costs of administration are to be adjusted annually in accordance with this Part.

(5AC) Despite subsection (5AB), the Minister may determine that the costs of administration for any year after the new base year are to be the same as the costs of administration for the immediately preceding year.

(5AD) A determination under subsection (5AC) is of no effect unless the Director is given written notice of it before the beginning of the year to which the determination applies.

- (c) by omitting from subsection (5B) “pursuant to subsection (5)(b)(v)”;
- (d) by omitting from subsection (7) “subsection (2) of section twenty-nine” and substituting “section 29(2)”.

Section 17AB amended (Adjustment of costs of administration)

6. Section 17AB(1) of the Principal Act is amended as follows:

- (a) by omitting “Schedule 4” and substituting “section 17(5A)”;
- (b) by omitting “31st December” and substituting “31 December”.

Section 17AC amended (Director to notify adjustment in *Gazette*)

7. Section 17AC of the Principal Act is amended by omitting “1st August in” and substituting “1 August of”.

Schedule 4 repealed

8. Schedule 4 to the Principal Act is repealed.