

TASMANIA

HOMES AMENDMENT BILL 2016

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HOMES AMENDMENT BILL 2016

*(Brought in by the Minister for Human Services, the
Honourable Jacqueline Anne Petrusma)*

A BILL FOR

An Act to amend the *Homes Act 1935* and the *Residential Tenancy Act 1997*

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Homes Amendment Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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PART 2 – HOMES ACT 1935 AMENDED

3. Principal Act

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

4. Long title amended

The long title of the Principal Act is amended by inserting “, the provision of assistance to persons or bodies providing housing support services,” after “State”.

5. Section 2 inserted

After section 1 of the Principal Act, the following section is inserted in Part I:

2. Purposes of Act

The purposes of this Act are –

- (a) to provide, or to enable the provision of, housing assistance to eligible persons; and
- (b) to assist in the provision of housing support services to eligible persons.

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6. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting “this Act” from the definition of *advance* in subsection (1) and substituting “Part V”;
- (b) by omitting “ section seventeen A” from the definition of *applicant* in subsection (1) and substituting “section 17A”;
- (c) by omitting the definitions of *dwelling-house* and *eligible person* from subsection (1) and substituting the following definitions:

dwelling-house includes –

- (a) a house and its appurtenances, necessary outbuildings, fences, and any facilities that enable electricity, telecommunications, gas, water-supply, drainage and sewerage services to be provided to the house; and
- (b) any unit, or apartment, that is used for the provision of residential accommodation, whether on a temporary basis or otherwise and any

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facilities that enable electricity, telecommunications, gas, water-supply, drainage and sewerage services to be provided to the unit or apartment; and

- (c) any land on which such a house, unit or apartment is situated and any common property, within the meaning of the *Strata Titles Act 1998*, in relation to such a unit or apartment;

eligible person means a person –

- (a) who is determined under subsection (3) to be an eligible person; or
 - (b) who is a member of a class of persons that is prescribed for the purposes of this definition;
- (d) by inserting the following definitions after the definition of *holding* in subsection (1):

housing assistance means –

- (a) the provision to an eligible person of short-

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- term accommodation in a dwelling-house; or
- (b) the sale of a dwelling-house to an eligible person; or
 - (c) the leasing of a dwelling house to an eligible person; or
 - (d) the provision of financial assistance to, or on behalf of, an eligible person to enable the person to pay all or part of a bond or rent, or both, in relation to a dwelling-house; or
 - (e) the provision of financial assistance to an eligible person to enable the person to purchase, construct, alter, enlarge, repair or improve a dwelling-house;

housing provider means –

- (a) a person or body that constructs, alters, enlarges, repairs or improves dwelling-houses so that the dwelling-houses may be sold or leased to, or used to provide residential

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accommodation to, eligible persons, whether or not the person or body also constructs, alters, enlarges, repairs or improves dwelling-houses so that the dwelling-houses may be sold or leased to, or used to provide residential accommodation to, persons who are not eligible persons; and

- (b) a body corporate, a trust, or an entity of the Crown, the objects or purposes of which include the sale or lease of dwelling-houses to, or the provision of residential accommodation to, eligible persons, whether or not that body corporate, trust or entity also sells or leases, or provides residential accommodation to, persons who are not eligible persons;

housing support provider means a person or body that provides housing support services to eligible persons, whether or not that person or body also provides

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housing support services to
persons who are not eligible
persons;

housing support services means –

- (a) services, approved by the
Director –
 - (i) that may enable or
assist persons,
including eligible
persons, to obtain
or remain in
residential
accommodation;
or
 - (ii) that co-ordinate
the provision to
persons, including
eligible persons,
of services that
may enable or
assist persons to
obtain or remain
in residential
accommodation;
and
- (b) any class of services that
is prescribed for the
purposes of this
definition;

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land includes any dwelling-house, or other structure, situated on the land, and vacant land;

- (e) by omitting “land or a dwelling-house and land” from the definition of *purchaser* in subsection (1) and substituting “land or a dwelling-house”;
- (f) by inserting the following subsections after subsection (2):
 - (3) The Director may determine that a person, or a class of persons, is or are an eligible person or eligible persons.
 - (4) The Director may only make a determination under subsection (3) in relation to a person, or a class of persons, if the Director is satisfied that the person, or a member of the class, is, or will be, in need of housing assistance under this Act because of particular circumstances or characteristics of –
 - (a) the person or members of the class; or
 - (b) another person or a category of persons –with whom the person or member of the class resides or is to reside.

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7. Section 6 repealed

Section 6 of the Principal Act is repealed.

8. Section 6A amended (Director of Housing)

Section 6A of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “For the purpose of acquiring, holding, disposing of, and otherwise dealing with, land under this Act, the” and substituting “The”;
- (b) by omitting paragraphs (a) and (b) from subsection (3A).

9. Section 6AB amended (Delegation)

Section 6AB of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his” and substituting “the Director’s”;
- (b) by omitting subsections (2), (3), (4), (5) and (6).

10. Section 11 amended (Power of Director to acquire land)

Section 11(2) of the Principal Act is amended by omitting “he” twice occurring and substituting “he or she”.

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11. Section 11A amended (Purchase of easements, &c.)

Section 11A of the Principal Act is amended by omitting “him” and substituting “him or her”.

12. Section 12A amended (Grant of easements, &c.)

Section 12A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” and substituting “him or her”;
- (b) by omitting from subsection (2) “him” and substituting “him or her”;
- (c) by omitting from subsection (3) “him” and substituting “him or her”.

13. Section 13 amended (Sale of dwelling-houses before the cost of subdivision is determined)

Section 13 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “by the Director” after “dwelling-house is erected”;
- (b) by omitting from subsection (2) “his” and substituting “his or her”.

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14. Section 14A amended (Development of land for ancillary purposes)

Section 14A(1) of the Principal Act is amended as follows:

- (a) by omitting “he” and substituting “he or she”;
- (b) by omitting “such a purpose as is referred to in section 6” and substituting “the purposes of this Act”.

15. Section 14B amended (Power of Director, &c., to enter on lands)

Section 14B of the Principal Act is amended by omitting “such servants, workmen, assistants, vehicles, plant, and animals as he may think necessary” and substituting “the employees, agents, assistants, vehicles, plant and animals that he or she thinks fit”.

16. Section 15 repealed

Section 15 of the Principal Act is repealed.

17. Section 15A amended (Power of Director to provide dwelling-houses for employees of public authorities and persons carrying on industrial undertakings)

Section 15A of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “its or his” and substituting “its or his or her”;
- (b) by omitting from subsection (2) “sections ten to fifteen” and substituting “this Part”.

18. Part IIIA inserted

After section 15A of the Principal Act, the following Part is inserted:

PART IIIA – LEASING AND SUB-LEASING OF DWELLING-HOUSES

15AA. Leasing and sub-leasing by Director of dwelling-houses to eligible persons

- (1) Subject to this section, the Director may –
 - (a) lease to an eligible person any dwelling-house owned by the Director; and
 - (b) sub-lease to an eligible person any dwelling-house leased by the Director.
- (2) A dwelling-house that is leased, or sub-leased, to an eligible person by the Director in accordance with this section is to be leased, or sub-leased, to the eligible person on the terms and conditions that the Director thinks fit.

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- (3) Despite the terms of a lease entered into by the Director and an eligible person, the Director may determine that the amount of rent payable by the eligible person under the lease is to be reduced as specified in the determination.
- (4) Despite the terms of a sub-lease entered into by the Director and an eligible person, the Director may determine that the amount of rent payable by the eligible person under the sub-lease is to be reduced as specified in the determination.

15AB. Director may subsidise rent and bonds payable by eligible persons

- (1) The Director may provide to –
 - (a) an eligible person who leases or sub-leases, or who intends to lease or sub-lease, a dwelling-house; or
 - (b) any housing provider, or other person, who leases out, or intends to lease out, a dwelling-house to an eligible person –

an amount or amounts for the purpose of paying all or part of, or paying all or part of by instalment, a bond, or rent, that is payable by the eligible person under the lease or sub-lease.

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- (2) The Director may provide to a housing support provider an amount or amounts for the purpose of paying all or part of, or paying all or part of by instalment, a bond, or rent, that is payable by an eligible person under a lease or sub-lease in relation to a dwelling-house.

15AC. Director may let out dwelling-houses to housing providers or housing support providers

The Director may lease a dwelling-house, owned by the Director, to a housing provider, or a housing support provider, if the Director is satisfied that the provider intends to use the dwelling-house –

- (a) to sub-lease to eligible persons or to provide residential accommodation to eligible persons; or
- (b) to provide housing support services.

15AD. Director may lease dwelling-houses

The Director may lease from any person, including an entity of the Crown, a dwelling-house for the purpose of enabling the Director to sub-lease the dwelling-house –

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- (a) to an eligible person; or
- (b) to a housing provider for the purpose of enabling the provider to sub-lease the dwelling-house to, or to provide, or arrange for the provision of, residential accommodation to, an eligible person; or
- (c) to a housing support provider for the purpose of enabling the provider to provide housing support services.

19. Part IV: Heading amended

Part IV of the Principal Act is amended by omitting “**DISPOSAL OF DWELLING-HOUSES**” from the heading to that Part and substituting “**DISPOSAL OF DWELLING-HOUSES TO ELIGIBLE PERSONS**”.

20. Section 15B amended (Interpretation of Part IV)

Section 15B of the Principal Act is amended by omitting the definition of *dwelling-house*.

21. Section 16 repealed

Section 16 of the Principal Act is repealed.

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22. Section 17 amended (Sale of land, whether or not dwelling-house situated on the land)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land, whether or not there is a dwelling-house situated on the land,”;
- (b) by omitting from subsection (1) “his” and substituting “his or her”;
- (c) by omitting from subsection (1A) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land under subsection (1)”;
- (d) by omitting from subsection (1B) “he” and substituting “he or she”;
- (e) by omitting from subsection (1B) “, of the dwelling-house or share of or interest in the dwelling-house” and substituting “of the land or a share of or interest in the land”;
- (f) by omitting from subsection (4) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land”;

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- (g) by omitting from subsection (5) “a dwelling-house” and substituting “land on which a dwelling-house is situated”;
- (h) by omitting from subsection (5B) “him” and substituting “him or her”;
- (i) by omitting from subsection (5B)(a) “his” and substituting “the purchaser’s”;
- (j) by omitting from subsection (5B)(b) “the dwelling-house that he” and substituting “the land that the purchaser”;
- (k) by omitting from subsection (5C) “dwelling-house” and substituting “land”;
- (l) by omitting from subsection (6) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land”.

23. Section 17AA amended (Calculation of adjustment rate)

Section 17AA(4) of the Principal Act is amended by omitting “him” and substituting “him or her”.

24. Section 17A amended (Sale by Director subject to mortgage)

Section 17A of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “section seventeen” and substituting “section 17”;
- (b) by omitting from subsection (1) “he” and substituting “he or she”;
- (c) by omitting from subsection (1) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land”;
- (d) by omitting from subsection (2) “a dwelling-house or a share of or interest in the dwelling-house” and substituting “land or a share of or interest in land”;
- (e) by omitting from subsection (3) “he so stipulates in his application” and substituting “the purchaser so stipulates in his or her application”;
- (f) by inserting the following subsection after subsection (3):
 - (3A) If the Director determines to sell or transfer land or a share of or interest in land to an applicant, the Director may require the applicant to provide to the Director the security that the Director thinks fit.
- (g) by omitting from subsection (4) “If” and substituting “Without limiting the generality of subsection (3A), if”;

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- (h) by omitting from subsection (4) “a dwelling-house or a share of or interest in a dwelling-house” and substituting “land or a share of or interest in land to an applicant”;
- (i) by omitting from subsection (5) “subsection (4) of section seventeen B” and substituting “section 17B(4)”;
- (j) by omitting from subsection (5) “this section” and substituting “subsection (4)”;
- (k) by omitting from subsection (5) “section twenty-eight” and substituting “section 28”.

25. Section 17B amended (Contract of sale subject to mortgage)

Section 17B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section seventeen” first occurring and substituting “section 17”;
- (b) by omitting from subsection (1) “section seventeen A” and substituting “section 17A”;
- (c) by omitting from subsection (1) “the dwelling-house or a share of or interest in the dwelling-house” and substituting

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- “the land, or the share of or interest in the land,”;
- (d) by omitting from subsection (2) “section seventeen” first occurring and substituting “section 17”;
 - (e) by omitting from subsection (2) “his application under section seventeen A” and substituting “his or her application under section 17A”;
 - (f) by omitting from subsection (2) “he so stipulates in his application” and substituting “the applicant so stipulates in his or her application”;
 - (g) by omitting from subsection (3) “Subsection (4) of section seventeen A” and substituting “Section 17A(4)”;
 - (h) by omitting from subsection (3) “that section” and substituting “section 17(1A)”;
 - (i) by inserting in subsection (3) “, in relation to a person to whom section 17A(4) applies,” after “section, be”;
 - (j) by omitting from subsection (3)(a) “that subsection” and substituting “section 17A(4)”;
 - (k) by omitting from subsection (3)(a) “section seventeen” and substituting “section 17”;

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- (l) by omitting from subsection (3)(a) “section twenty-nine” and substituting “section 29”;
- (m) by omitting from subsection (3)(c) “section seventeen” and substituting “section 17”;
- (n) by omitting from subsection (3) “section seventeen” fourth occurring and substituting “section 17”;
- (o) by omitting from subsection (4) “section seventeen A” and substituting “section 17A to whom section 17A(4) applies”;
- (p) by omitting from subsection (4) “section seventeen” second occurring and substituting “section 17”.

26. Section 18 amended (Sale of land in certain cases)

Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his” and substituting “the officer’s”;
- (b) by omitting from subsection (2) “section seventeen” and substituting “section 17”.

27. Part IVA: Heading amended

Part IVA of the Principal Act is amended by omitting “**SALE OF LAND FOR HOME**”

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BUILDING” from the heading to that Part and substituting “**SALE OR TRANSFER OF LAND FOR PROVISION OF DWELLING-HOUSES BY HOUSING PROVIDERS”**”.

28. Section 18A substituted

Section 18A of the Principal Act is repealed and the following sections are substituted:

18A. Interpretation of Part IVA

In this Part –

associated land, in relation to a housing provider, means any land that –

- (a) is not sold or transferred by the Director to the provider; and
- (b) is, by the terms and conditions of a contract, or arrangement under section 18G, under which other land is sold or transferred to the provider by the Director under this Part, required to be –
 - (i) leased to, or for the provision of residential accommodation to, eligible persons; or
 - (ii) sold to an eligible person; or

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- (iii) used for the construction, alteration, enlargement, repair or improvement, of dwelling-houses that are, or are to be, situated on the land, so that the dwelling-houses may be leased or sold to, or used for the provision of residential accommodation to, eligible persons.

18AA. Sale or transfer of land to housing providers

- (1) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the provider to –
 - (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on the land or associated land; or
 - (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on the land or associated land; or
 - (c) sell to eligible persons, or arrange for the sale to eligible persons of,

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dwelling-houses that are situated on the land or associated land; or

- (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that are, or are to be, situated on the land or associated land, so that the dwelling-houses may be leased or sold to, or provide residential accommodation to, eligible persons –

whether or not other dwelling-houses that are, or are to be, situated on the land or associated land may also be leased or sold to, or used to provide residential accommodation to, persons who are not eligible persons.

- (2) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the land to be used by the provider as security to raise finance to enable the provider to –
- (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on any land or associated land; or

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- (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on any land or associated land; or
- (c) sell to eligible persons, or arrange for the sale to eligible persons of, dwelling-houses that are situated on any land or associated land; or
- (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that are, or are to be, situated on any land or associated land, so that the dwelling-houses may be leased or sold to, or provide residential accommodation to, eligible persons –

whether or not the funds so raised may also be used to provide other dwelling-houses for sale to, or for the residential accommodation of, persons who are not eligible persons.

- (3) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the land to be sold or leased to

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any person to provide funds to enable the provider to –

- (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on any land or associated land; or
- (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on any land or associated land; or
- (c) sell to eligible persons, or arrange for the sale to eligible persons of, dwelling-houses that are situated on any land or associated land; or
- (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that are, or are to be, situated on any land or associated land, so that the dwelling-houses may be leased or sold to, or provide residential accommodation to, eligible persons –

whether or not the funds so raised may also be used to provide other dwelling-

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houses for sale to, or for the residential accommodation of, persons who are not eligible persons.

18AB. Sale or transfer of land to housing support providers

- (1) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the provider to provide housing support services to eligible persons, whether or not the provider also provides housing support services to persons who are not eligible persons.
- (2) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the land to be used by the provider as security to raise finance to enable the provider to provide housing support services to eligible persons, whether or not the provider also provides housing support services to persons who are not eligible persons.
- (3) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the land to be sold or leased by the provider to any person so as to provide funds to the provider to enable the provider to provide housing support services to eligible persons, whether or not the provider also provides housing

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support services to persons who are not eligible persons.

18AC. Terms and conditions of sale or transfer of land under this Part

- (1) Subject to this Act –
 - (a) a sale of land under this Part is to be at the price, and on the terms and conditions, that the Director determines; and
 - (b) a transfer, other than by sale, of land under this Part is to be on the terms and conditions that the Director determines.
- (2) The terms and conditions are to be determined for the purposes of subsection (1) by the Director in the contract for sale or the transfer of the land, or as part of an arrangement under section 18G in relation to the land, to which the terms and conditions relate.
- (3) Despite subsection (2), the Director must, if required by a direction under subsection (4), ensure that the terms and conditions determined by the Director under subsection (2) must include, or be constituted by, as the case may be, and in any case be consistent with, any terms or conditions that the Director is directed to determine in accordance with subsection (4).

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- (4) The Minister may direct the Director as to the terms and conditions for the purposes of subsection (1) that the Director is to include in –
- (a) in a particular contract for sale or transfer, or all contracts or transfers of land; or
 - (b) in a particular arrangement, or all arrangements, under section 18G.
- (5) The terms and conditions determined by the Director for the purposes of subsection (1), or included by the Minister in a direction under subsection (4), in relation to land must include terms and conditions that are, in his or her opinion, reasonably necessary to ensure that –
- (a) all or part of the land is used for the purpose for which it is sold or transferred; and
 - (b) all or part of any associated land is used to enable dwelling-houses situated on the land to be sold or leased to eligible persons or used to provide residential accommodation to eligible persons.
- (6) Without limiting the generality of subsection (5), the terms and conditions may include terms or conditions designed

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to effect all or any of the following purposes:

- (a) restricting, during a specified period, dealings in all or part of the land and all or part of any associated land;
- (b) requiring the construction, alteration, enlargement, repair or improvement, or the commencement of the construction, alteration, enlargement, repair or improvement, during a specified period, of dwelling-houses on all or part of the land or on all or part of any associated land.

29. Section 18B amended (Enforcement of restriction on transfers, &c., of land sold)

Section 18B of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) If land is sold or transferred by the Director in pursuance of a contract entered into by the Director for the purposes of this Part, or is associated land pursuant to such a contract or an arrangement entered into under section 18G, the Director may

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lodge with the Recorder a notification specifying –

- (a) that the land, or the associated land, is subject to this section; and
 - (b) the period, of not less than 5 years, and not more than 30 years, after the notification, for which the land, or the associated land, is to be subject to this section.
- (b) by inserting in subsection (4) “and the period, specified in the notification, for which the land is to be subject to this section” after “land”;
 - (c) by omitting from subsection (5) “of 5 years following the transfer” and substituting “, specified in the notification, for which the land is to be subject to this section,”;
 - (d) by omitting from subsection (5)(c) “his” and substituting “his or her”;
 - (e) by omitting from subsection (6) “he” first occurring and substituting “the Recorder”;
 - (f) by omitting from subsection (6)(a) “he” and substituting “the Director”;

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- (g) by omitting from subsection (6)(b) “he” and substituting “the Director”;
- (h) by omitting from subsection (9) “he” and substituting “the Director”;
- (i) by omitting from subsection (10) “him” first occurring and substituting “him or her”;
- (j) by omitting from subsection (10) “him” second occurring and substituting “the Recorder”;
- (k) by omitting from subsection (11) “him” and substituting “the Director”.

30. Section 18C amended (Guarantee by Treasurer)

Section 18C(1) of the Principal Act is amended as follows:

- (a) by omitting “any other person” and substituting “a third person”;
- (b) by omitting “to another person for housing purposes” and substituting “for housing purposes to that third person or to another person”.

31. Part IVC inserted

After section 18E of the Principal Act, the following Part is inserted:

PART IVC – GRANTS AND ARRANGEMENTS

18F. Grants to housing providers or housing support providers

- (1) The Director may grant, from the funds of the Director, money to a housing provider or a housing support provider.
- (2) The Director may not grant money to a housing provider, or a housing support provider, under subsection (1) unless the Director is satisfied that the provider intends to use the money –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (3) A grant of money to a housing provider, or a housing support provider, under subsection (1) is to be on the terms and conditions specified in the grant.
- (4) If at any time, in the opinion of the Director, any money granted under this Part has not been applied for the purpose for which it was granted, or has not been carefully and economically expended, the

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Director may refuse to pay any further instalment of the proposed grant.

18G. Arrangements with housing providers and housing support providers

- (1) The Director may enter into, with a housing provider or a housing support provider, an arrangement under which the Director agrees to exercise a power of the Director under another section of this Act.
- (2) The Director may not enter into an arrangement under subsection (1) with a housing provider, or a housing support provider, unless the Director is satisfied that the provider intends, in accordance with the arrangement –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (3) An arrangement under subsection (1) with a housing provider, or a housing support provider, is to be on the terms and conditions specified in the arrangement, including terms and

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conditions included in accordance with section 18AC.

- (4) If at any time, in the opinion of the Director, a housing provider, or a housing support provider, has not complied with the terms of an arrangement under this section, the Director may refuse to carry out any further obligations of the Director under the arrangement.

32. Section 19 amended (Advances for homes)

Section 19(1) of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “security”;
- (b) by omitting “him” first occurring and substituting “the eligible person”;
- (c) by omitting paragraph (a) and substituting the following paragraph:
- (a) to erect, as a home for the eligible person and his or her dependants, a dwelling-house on the eligible person’s holding;
- (d) by omitting from paragraph (c) “himself and his dependants” and substituting “the eligible person and his or her dependants”;
- (e) by omitting from paragraph (d) “him” and substituting “the eligible person”;

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- (f) by omitting from paragraph (e) “him” and substituting “the eligible person”;
- (g) by omitting from paragraph (f) “his” and substituting “the eligible person’s”;
- (h) by omitting from paragraph (g) “section thirty” and substituting “section 30”.

33. Sections 19A and 19B inserted

After section 19 of the Principal Act, the following sections are inserted in Part V:

19A. Advances to municipal councils

- (1) The Director, with the approval of the Treasurer, may make an advance to a council for the purpose of enabling the council to carry out, on land set apart or acquired for the purposes of this Act, work that appears to the Director to be necessary for the purpose of rendering such land fit for the use to which it may be put under this Act.
- (2) An advance may only be made under subsection (1) if the Treasurer is satisfied that the council does not have sufficient funds available for carrying out the work for which the advance is to be made.
- (3) Every advance under this section is to be repayable on the terms, and subject to the conditions, as are agreed upon between the Director and the council.

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19B. Advances to housing providers and housing support providers

- (1) The Director may make an advance to a housing provider, or a housing support provider, for the purpose of enabling the provider –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (2) Every advance under this section is to be repayable on the terms, and subject to the conditions, as are agreed upon between the Director and the housing provider or housing support provider.

34. Section 20 amended (Application for advance)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) A person may, in a form approved by the Director, apply for an advance under this Part.

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- (b) by omitting from subsection (2) “his” and substituting “his or her”.

35. Sections 22 and 23 substituted

Sections 22 and 23 of the Principal Act are repealed and the following section is substituted:

22. Security for advances

- (1) The Director may require a borrower to provide the security (which may be, but is not required to be, a security consisting of a mortgage) if any, that the Director thinks fit.
- (2) The provisions of the *Personal Property Securities Act 2009* of the Commonwealth do not apply to any mortgage or other security executed under the provisions of this Act, or affect the validity of any such mortgage or security in respect of any chattels forming all or part of the security.

36. Section 24 amended (How advances repayable)

Section 24 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or the terms and conditions of the advance” after “the advance”;

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- (b) by omitting from subsection (2) “loan” twice occurring and substituting “advance”.

37. Section 25 amended (Provisions relating to advances)

Section 25 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “loan” and substituting “advance”;
- (b) by omitting from paragraph (b) “loan” twice occurring and substituting “advance”;
- (c) by omitting from paragraph (c) “loan” first occurring and substituting “advance”;
- (d) by omitting from paragraph (c) “loan” second occurring and substituting “advance”;
- (e) by omitting from paragraph (d) “loan” first occurring and substituting “advance”;
- (f) by omitting from paragraph (d) “loan” second occurring and substituting “advance”;
- (g) by omitting from paragraph (e) “loan” and substituting “advance”.

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38. Section 27A amended (Director may refuse to enter into contract, &c.)

Section 27A(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “this Act.” and substituting “this Act; and”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) to make a grant, or enter into an arrangement, with any person under Part IVC.

39. Section 28 amended (Power of Treasurer to fix or annul rate of interest or table of instalments)

Section 28(3) of the Principal Act is amended by omitting “loan” from the definition of *the fixed rate* and substituting “advance”.

40. Section 28A amended (Power of Treasurer to authorize variable interest rates)

Section 28A of the Principal Act is amended by inserting “, or another person,” after “authorize the Director”.

41. Section 30 amended (Property to be kept in repair until payment in full)

Section 30 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “him” and substituting “him or her”;
- (b) by omitting from subsection (2)(a) “section thirty-five” and substituting “section 35”.

42. Section 31 amended (Disposal without consent)

Section 31(2)(b) of the Principal Act is amended by omitting “section seventeen A” and substituting “section 17A”.

43. Section 32 amended (Sale where borrower bankrupt)

Section 32 of the Principal Act is amended as follows:

- (a) by omitting “him” and substituting “the borrower”;
- (b) by omitting “his” and substituting “the borrower’s”;
- (c) by omitting “he” and substituting “the Director”.

44. Section 33 amended (Application of section 35 to sales under sections 31 and 32)

Section 33 of the Principal Act is amended as follows:

- (a) by omitting “section thirty-five” and substituting “section 35”;

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- (b) by omitting “sections thirty-one and thirty-two” and substituting “sections 31 and 32”.

45. Section 37 amended (In event of no purchaser land to revert to the Crown)

Section 37 of the Principal Act is amended by omitting “His Majesty” and substituting “the Crown”.

46. Section 37B amended (Purpose of provision of movable dwelling units)

Section 37B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he” and substituting “the Director”;
- (b) by omitting from subsection (2) “he” first occurring and substituting “he or she”;
- (c) by omitting from subsection (2) “he live close to someone who is available to render him any assistance that he may require” and substituting “he or she live close to someone who is available to render him or her any assistance that he or she may require”.

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47. Section 37D amended (Agreements with respect to movable dwelling units)

Section 37D of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” and substituting “the Director”;
- (b) by omitting from subsection (2)(i) “his” and substituting “the Director’s”;
- (c) by omitting from subsection (7) “he” and substituting “the Director”.

48. Section 38 repealed

Section 38 of the Principal Act is repealed.

49. Section 39 amended (Extension of time for repayment)

Section 39(1) of the Principal Act is amended by omitting “he” and substituting “the Director”.

50. Section 43 amended (Sale or leasing of land, &c., not immediately required)

Section 43 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “him” and substituting “him or her”;
- (b) by omitting from subsection (1)(a) “Act;” and substituting “Act; or”;

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- (c) by omitting paragraph (b) from subsection (1);
- (d) by omitting from subsection (1)(c) “him, or to the grant to which he” and substituting “the Director, or to the grant to which the Director”;
- (e) by omitting from subsection (1) “he” fourth occurring and substituting “, the Director”;
- (f) by omitting from subsection (1) “he” fifth occurring and substituting “the Director”;
- (g) by inserting the following subsection after subsection (1):
 - (1A) Without limiting the generality of subsection (1), the Director may be satisfied that land is not immediately required for the purposes of this Act if –
 - (a) he or she is satisfied that other land is likely to be more suited to the provision of accommodation to eligible persons; or
 - (b) he or she is satisfied that it is necessary or convenient to sell, or lease, the land so as to obtain funds that may be

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used for the purposes of
this Act.

51. Section 43B amended (Sale, &c., of plant not immediately required)

Section 43B of the Principal Act is amended as follows:

- (a) by omitting “him” and substituting “the Director”;
- (b) by omitting “he” and substituting “he or she”.

52. Section 43C amended (Work for other State instrumentalities)

Section 43C(2) of the Principal Act is amended as follows:

- (a) by omitting “he” and substituting “he or she”;
- (b) by omitting from paragraph (a) “him under subsection (5) of section six B” and substituting “the Director”;
- (c) by omitting from paragraph (b) “his” and substituting “the Director’s”.

53. Section 47 amended (Regulations)

Section 47(1)(e) of the Principal Act is amended by inserting “or the *Homes Amendment Act*

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2016” after “*Homes (Sale of Mortgages) Act 1993*”.

54. Section 49 inserted

After section 48 of the Principal Act, the following section is inserted in Part VII:

49. Validation of certain actions

(1) In this section –

amending Act means the *Homes Amendment Act 2016*;

commencement day means the day on which the amending Act commences.

(2) An action taken in good faith, before the commencement day, by the Director, or a person acting at the direction of the Director, is valid and effectual, and is taken to have always been valid and effectual, if –

(a) had the action been taken after the commencement day, it would have been authorised by this Act as amended by the amending Act; or

(b) had the action been taken after the commencement day, and, where the approval of the Minister is required in relation to such an action taken after the

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commencement day, if that approval had been obtained, it would have been authorised by this Act as amended by the amending Act.

- (3) An application for an advance that was, immediately before the commencement day, accepted by the Director is taken to be an application that is in the form approved by the Director for the purposes of section 20(1).

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Part 3 – Residential Tenancy Act 1997 Amended

**PART 3 – RESIDENTIAL TENANCY ACT 1997
AMENDED**

55. Principal Act

In this Part, the *Residential Tenancy Act 1997** is referred to as the Principal Act.

56. Section 6 amended (Non-application of Act)

Section 6(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) any lease to a social housing provider, by the Director of Housing, of residential premises; or

57. Section 10 amended (Residential tenancy agreement)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “sub-lease by a social housing provider that is a lessee in relation to the premises by virtue of a memorandum of lease registered under the *Land Titles Act 1980*” and substituting “relevant social housing sub-lease”;

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(b) by inserting the following subsection after subsection (1):

(1A) For the purposes of subsection (1), a relevant social housing sub-lease is a sub-lease by a social housing provider that is a lessee in relation to the premises by virtue of –

(a) a memorandum of lease registered under the *Land Titles Act 1980*; or

(b) a lease, by the Director of Housing, of residential premises under the *Homes Act 1935*.

58. Section 42 amended (Notice to vacate by owner)

Section 42(1) of the Principal Act is amended by inserting after paragraph (dc) the following paragraph:

(dd) that, where the residential tenancy agreement relates to social housing provided by a social housing provider who leases the premises from the Director of Housing – the lease of the premises from the Director of Housing has expired or is to expire, or has been, or is to be, terminated by the Director of Housing;

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Part 3 – Residential Tenancy Act 1997 Amended

59. Section 43 amended (Effect of notice to vacate)

Section 43(1)(e) of the Principal Act is amended by inserting “or section 42(1)(dd)” after “section 42(1)(da)”.

60. Section 49 amended (Subletting)

Section 49 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1AA) Subsection (1)(b)(i) does not apply in relation to the subletting of premises by a tenant if the tenant is –
- (a) a social housing provider; or
 - (b) the Director of Housing.

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PART 4 – CONCLUDING PROVISION

61. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.