

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

(Housing and Regional Development)

A BILL

FOR

An Act to amend certain legislation relating to housing, and for related purposes

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Housing Legislation Amendment Act 1995*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Schedule

3. The Acts specified in the Schedule to this Act are amended in accordance with the applicable items in the Schedule, and the other items in the Schedule have effect according to their terms. 5

SCHEDULE

Section 3

**PART 1—AMENDMENTS OF THE FIRST HOME OWNERS
ACT 1983**

1. After subsection 27(1):

Insert:

“(1A) Subsection (1) ceases to have effect on 30 June 1995.”.

2. Subsection 27(2):

Omit “A person”, substitute “Subject to subsection (2A), a person”.

3. Subsection 27(2):

Omit “, within such time (if any) as is prescribed,”.

4. After subsection 27(2):

Insert:

“(2A) A request under subsection (2) must be in writing and furnished to the Secretary not later than:

(a) the end of the period of 28 days after the day on which notice of the decision was served on the person making the request; or

(b) 30 June 1995;

whichever is the later.”.

5. Paragraph 28(1)(a):

Omit “subsection 27(2)”, substitute “subsections 27(2) and (2A)”.

6. Section 41:

Add at the end:

“(3) The Secretary is not required by subsection (1) to furnish a report as to the administration and operation of this Act during any year after the year ending on 30 June 1995.”.

7. Application

The amendments made by items 2, 3 and 4 apply to:

(a) a decision made after the commencement of this Act; and

(b) a decision made before the commencement of this Act in respect of which a request for reconsideration had not been made under subsection 27(2) of the *First Home Owners Act 1983* before that commencement.

**PART 2—AMENDMENTS OF THE HOME DEPOSIT
ASSISTANCE ACT 1982**

1. Section 45:

Omit “46 and 47”, substitute “46, 47 and 48”.

SCHEDULE—continued

2. Section 46:

Add at the end:

“(2) This section ceases to have effect on 30 June 1995.”.

3. Subsection 47(1):

Omit “A person”, substitute “Subject to subsection (3), a person”.

4. Subsection 47(1):

Omit “, within such time (if any) as is prescribed,”.

5. Section 47:

Add at the end:

“(3) A request under subsection (1) must be in writing and furnished to the Secretary not later than:

(a) the end of the period of 28 days after the day on which notice of the decision was served on the person making the request; or

(b) 30 June 1995;

whichever is the later.”.

6. Section 48:

Repeal the section, substitute:

Making and notification of decisions

“48.(1) A decision of the Secretary must be in writing.

“(2) Written notice of a decision of the Secretary must be served by post on the applicant, or on each of the applicants, as the case may be.

“(3) A notice under subsection (2) of a decision of the Secretary (other than a decision made under section 47) must include a statement to the effect that:

(a) the applicant may, if dissatisfied with the decision, request a reconsideration of the decision by the Secretary under section 47; and

(b) the applicant may, subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the Secretary on the reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal for review of the decision so confirmed or varied.

“(4) Notice under subsection (2) of a decision made on a reconsideration under section 47 must include a statement to the effect that a person affected by the decision may, if dissatisfied with the decision, make application to the Administrative Appeals Tribunal for review of the decision.”.

SCHEDULE—continued

7. Application

The amendments made by items 3, 4 and 5 apply to:

- (a) a decision made after the commencement of this Act; and
- (b) a decision made before the commencement of this Act in respect of which a request for reconsideration had not been made under section 47 of the *Home Deposit Assistance Act 1982* before that commencement.

PART 3—AMENDMENTS OF THE HOMES SAVINGS GRANT ACT 1964

1. Section 9:

Add at the end:

“(2) A determination, direction, decision or approval of an officer (including the Secretary) under this Act must be in writing.

“(3) Notice of a determination, direction, decision or approval of an officer (including the Secretary) must be served by post on the applicant, or on each of the applicants, as the case may be.”.

2. Section 10:

Add at the end:

“(2) This section ceases to have effect on 30 June 1995.”.

3. Section 11:

Omit “A person”, substitute “Subject to subsection (2), a person”.

4. Section 11:

Omit “(other than a determination, direction, decision or approval of the Secretary) may, within such time (if any) as is prescribed,”, substitute “(including a determination, direction, decision or approval of the Secretary) may”.

5. Section 11:

Add at the end:

“(2) An appeal must be in writing and furnished to the Secretary not later than:

- (a) the end of the period of 28 days after the day on which notice of the decision was served on the appellant; or

- (b) 30 June 1995;

whichever is the later.”.

SCHEDULE—continued**6. Application**

The amendments made by items 3, 4 and 5 apply to:

- (a) a determination, direction, decision or approval made or given after the commencement of this Act; and
- (b) a determination, direction, decision or approval made or given before the commencement of this Act in respect of which an appeal had not been made under section 11 of the *Homes Savings Grant Act 1964* before that commencement.

PART 4—AMENDMENTS OF THE HOMES SAVINGS GRANT ACT 1976**1. Section 37:**

Omit “38, 39”, substitute “38, 39, 39A”.

2. Section 38:

Add at the end:

“(2) This section ceases to have effect on 30 June 1995.”.

3. Subsection 39(1):

Omit “A person”, substitute “Subject to subsection (3), a person”.

4. Subsection 39(1):

Omit “, within such time (if any) as is prescribed,”.

5. Section 39:

Add at the end:

“(3) A request under subsection (1) must be in writing and furnished to the Secretary not later than:

- (a) the end of the period of 28 days after the day on which notice of the decision was served on the person making the request; or
- (b) 30 June 1995;

whichever is the later.”.

6. After section 39:

Insert:

Making and notification of decisions

“39A.(1) A decision of the Secretary must be in writing.

“(2) Written notice of a decision of the Secretary must be served by post on the applicant, or on each of the applicants, as the case may be.

SCHEDULE—continued

“(3) A notice under subsection (2) of a decision of the Secretary (other than a decision made under section 39) must include a statement to the effect that:

- (a) the applicant may, if dissatisfied with the decision, request a reconsideration of the decision by the Secretary under section 39; and
- (b) the applicant may, subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the Secretary on the reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal for review of the decision so confirmed or varied.

“(4) Notice under subsection (2) of a decision made on a reconsideration under section 39 must include a statement to the effect that a person affected by the decision may, if dissatisfied with the decision, make application to the Administrative Appeals Tribunal for review of the decision.”.

7. Application

The amendments made by items 3, 4 and 5 apply to:

- (a) a decision made after the commencement of this Act; and
- (b) a decision made before the commencement of this Act in respect of which a request had not been made under section 39 of the *Homes Savings Grant Act 1976* before that commencement.

PART 5—AMENDMENTS OF THE HOUSING ASSISTANCE ACT 1989**1. Subsection 15(2A):**

Omit “sixth grant year”, substitute “sixth or seventh grant year”.

2. Subsection 15A(2):

Omit “fifth grant year or the sixth grant year”, substitute “fifth, sixth or seventh grant year”.



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