

HOUSING (AMENDMENT) ACT.

Act No. 24, 1947.

An Act to amend the Housing Act, 1912, the Public Works Act, 1912, and the Housing Act, 1941, in certain respects; and for purposes connected therewith. [Assented to, 4th December, 1947.]

George VI.
No. 24, 1947.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Housing (Amendment) Act, 1947." Short title.

2. (1) The Housing Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1912.

(a) by omitting from section two the definition of "Buildings" and by inserting in lieu thereof the following definitions:— Sec. 2. (Definitions.)

"Buildings" means buildings, fences, walls, provision for lighting, heating, refrigeration, water supply, drainage and

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sewerage and other appurtenances of a building.

“Commission” means The Housing Commission of New South Wales.

“Chairman” means Chairman of the Commission.

“Dwelling-house” means any building which has been used or is used or is intended to be used as a dwelling.

Sec. 4.
(Resumption, appropriation and purchase of land.)

(b) (i) by omitting from section four the words “the Minister may, under the Public Works Act, 1912, and any Act amending the same, purchase, and the Governor may under the said Acts” and by inserting in lieu thereof the words “the Governor may under the Public Works Act, 1912, as amended by subsequent Acts”;

(ii) by omitting from the same section the words “purchase, resumption,” and by inserting in lieu thereof the word “resumption”;

(iii) by inserting at the end of the same section the following new subsection:—

cf. Act No. 4,
1934, s. 8
(1).

(2) For the purposes of this Act the Commission may purchase or lease any land.

New secs.
4c and 4d.

(c) by inserting next after section 4B the following new sections:—

Power to
rescind
resumptions.
cf. Act No. 3,
1941, ss. 3, 5.

4c. (1) The Governor may, by notification in the Gazette, rescind in whole or in part any notification of resumption made in pursuance of section four of this Act.

(2) Upon the publication of any notification of rescission the land described in such notification shall revert in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before

before such resumption, but subject to any ^{No. 24, 1947.} interest in or equity binding upon such land created by the Constructing Authority since such resumption; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by such resumption as if the land had not been resumed and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption.

(3) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(4) Any claim for compensation arising under this Act shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land under the Public Works Act, 1912, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.

4D. (1) The Minister may recommend to the Governor that any area should be constituted a housing area and any such recommendation shall be accompanied by a plan indicating the area proposed to be constituted a housing area. ^{Housing areas.}

(2) Where the Minister has made a recommendation with respect to any area the Governor may by notification published in the Gazette and in a newspaper circulating in the police district wherein the area is situated declare such area to be a housing area and upon such publication in the Gazette such area shall be constituted a housing area.

(3)

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(3) The Governor may upon a like recommendation and in the like manner revoke any such notification.

(4) During any period within which any notification is in force in respect of any housing area the owner of and any other person having an interest in the land within such housing area shall not, without the consent of the Commission—

- (a) construct, build, place, reconstruct, rebuild, replace or repair any building or work or portion of a building or work upon such land;
- (b) sell any such land or any portion thereof or any interest therein;
- (c) lease any such land for a term exceeding one year.

(5) (a) Upon the acquisition for the purposes of this Act of any land within a housing area no compensation shall be payable in respect of any improvements effected in contravention of the provisions of subsection four of this section.

(b) Where any transaction is entered into in contravention of paragraphs (b) or (c) of subsection four of this section the transaction shall not thereby be invalidated, and the rights, powers and remedies of any person thereunder shall be the same as if this section had not been enacted.

(c) Any person who contravenes any provision of paragraphs (b) or (c) of subsection four of this section shall upon summary conviction be liable to a penalty not exceeding five hundred pounds.

(6) The Commission shall cause a plan of the housing area to be lodged with—

- (a) The Registrar-General,
- (b) The Valuer-General, and
- (c) The council of the municipality within which the housing area is situated.

(d)

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- (d) (i) by omitting from paragraph (b) of section twenty-five the word "four" and by inserting in lieu thereof the word "six"; **No. 24, 1947.**
Sec. 25.
(Things to be proved by applicant.)
- (ii) by omitting from paragraph (c) of the same section the word "and" where firstly occurring and by inserting in lieu thereof the word "or";
- (e) by inserting in subsection two of section twenty-six after the word "thousand" the words "five hundred and forty"; **Sec. 26.**
(Grant or refusal of application.)
- (f) by omitting subsection two of section twenty-seven; **Sec. 27.**
(Agreement.)
- (g) by omitting from section twenty-eight the words "ninety-five per centum of the amount of the said value or of the purchase price, whichever of such amounts is the smaller" and by inserting in lieu thereof the words "the said value or the purchase price whichever is the less"; **Sec. 28.**
(Application to purchase house.)
- (h) by inserting next after section forty-six the following new section:— **New sec. 47.**

47. For the purposes of this Act, but not otherwise, the Public Works Act, 1912, as amended by subsequent Acts, is amended— **Amendments of Public Works Act, 1912, for purposes of this Act.**

(a) by omitting from section eighty-one the words "Provided that no highway so dedicated shall exceed one chain in width";

(b) by omitting sections ninety-one and ninety-seven.

(2) The Housing Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Housing Act, 1912-1947.

3. (1) The Housing Act, 1941, is amended by inserting next after section nineteen the following new section:— **Amendment of Act No. 65, 1941.**
New sec. 19A.

19A. The Commission shall have power and shall be deemed always to have had power to construct buildings for emergency housing accommodation and **Construction and disposal of temporary buildings by Commission.**

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and upon such terms and conditions as it considers reasonable to sell or hire the same to any person legally possessed of land.

(2) The Housing Act, 1941, as amended by this Act, may be cited as the Housing Act, 1941-1947.

