

# Housing (Amendment) Bill

No.

## TABLE OF PROVISIONS

### *Clause*

1. Purposes.
2. Commencement.
3. Objects.
4. Power to create and extinguish easements, &c.
5. Provision of movable units.
6. Power to borrow money.
7. Death and disability benefits.
8. New section 26A inserted—  
26A. Guarantee and indemnity by Director.
9. New section 36A inserted—  
36A. Insurance.
10. Validation.
11. Omission of references to “permanent head”.
12. Delegation.
13. Appeals against making declarations.
14. Penalty interest.
15. Certificates.
16. Powers of entry.
17. New section 71A inserted—  
71A. Indemnity.
18. Regulations.
19. Parking of vehicles on land of the Director.
20. Standards of habitation.
21. Gender neutral language.

### SCHEDULE 1

#### Gender Neutral Language



# LEGISLATIVE ASSEMBLY

Read 1° 18 March 1987

*(Brought in by Mr Wilkes and Mr Trezise)*

## A BILL

to amend the *Housing Act* 1983 and for other purposes.

### **Housing (Amendment) Act 1987**

The Parliament of Victoria enacts as follows:

#### **Purposes.**

1. The purposes of this Act are—

- 5
- (a) to empower the Director of Housing to act as an insurer in some cases; and
  - (b) to clarify and extend the powers of the Director in relation to movable units and standards of habitation; and
  - (c) to make various other amendments to the *Housing Act* 1983.

10 **Commencement.**

2. This Act comes into operation on the day on which it receives the Royal Assent.

#### **Objects.**

- 15 3. In section 6 (1) (j) of the *Housing Act* 1983 for “ancillary” substitute “ancillary”.

Act No. 10020.  
Amended by  
Nos. 10259, 16/  
1986, 121/1986  
and

**Power to create and extinguish easements, &c.**

4. In section 16 (3) of the *Housing Act* 1983, for “puposes” substitute “purposes”.

**Provision of movable units.**

5. (1) In section 18 (1) of the *Housing Act* 1983 omit “as are prescribed and on such other terms and conditions”.

(2) In section 18 (3) of that Act—

(a) after “movable unit” insert “owned by the Director”; and

(b) after “premises under” insert “section 122 (1) of”.

(3) After section 18 (3) of that Act insert—

“(3A) For the purpose of inspecting or removing a movable unit owned by the Director after a hiring agreement is determined, a person authorised in that behalf by the Director has power to enter at any reasonable time the land on which the unit is situated and the unit itself.”.

**Power to borrow money.**

6. After section 20 (2) of the *Housing Act* 1983 insert—

“(3) Without limiting the generality of sub-sections (1) and (2), the Director may—

(a) contract with a corporation that is declared to be a recognised institution under section 3A (4) of the *Trustee Act* 1958, in respect of mortgages in which the Director has an interest; and

(b) for the purpose of performing or facilitating the performance of such a contract, enter into any other contract or arrangement with any person.”.

**Death and disability benefits.**

7. In section 23 of the *Housing Act* 1983 omit “, on such terms and conditions as may be prescribed,”.

**New section 26A inserted.**

8. After section 26 of the *Housing Act* 1983 insert—

**Guarantee and indemnity by Director.**

“26A. (1) The Director may, with the approval of the Treasurer, execute a guarantee in favour of any person approved by the Director guaranteeing the repayment of any amount other than a loan referred to in section 26 (1).

(2) The Director may, with the approval of the Treasurer, provide an indemnity in favour of any person, and in respect of any liability, approved by the Director, whether or not that liability is incurred in the carrying out of the objects of this Act or in achieving its purposes.

5 (3) A guarantee executed or an indemnity provided by the Director under sub-section (1) or (2) is subject to any terms and conditions that the Director thinks appropriate.

10 (4) Any amounts that from time to time become due and payable under a guarantee or an indemnity authorised by this section shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly).”.

**New section 36A inserted.**

9. After section 36 of the *Housing Act* 1983 insert—

**Insurance.**

15 “36A. (1) The Director may require the purchaser, mortgagor or owner of any land that is included in a contract of sale or a mortgage or other security held by the Director to insure the land and, while any money remains payable to the Director by that person, keep it insured against any loss or damage, and for any amount, that the Director  
20 determines.

(2) The Director may contract with the purchaser, mortgagor or owner for the insurance of the land, on any terms and conditions that the Director thinks appropriate.

25 (3) The Director’s power to undertake insurance extends to undertaking insurance of any land that has been proposed in an application to the Director as security for a mortgage or other advance or loan.

(4) The Director may require the insurance to be effected—

- 30 (a) with the Director; or  
(b) with an insurer approved by the Director.

(5) If the insurance is effected other than with the Director, the purchaser, mortgagor or owner must, immediately after the policy is issued, deliver the policy to the Director.

35 (6) The Director must return the policy to the owner, mortgagor or purchaser immediately after all money due to the Director under the contract of sale or mortgage or other security has been paid.

(7) The Director may re-insure any risk insured by the Director, on any terms and conditions that the Director thinks appropriate, with any person or body carrying on the business of insurance in the State.

40 (8) For the purposes of this section—

- (a) the Director is not an insurance company within the meaning of the *Metropolitan Fire Brigades Act 1958* and the *Country Fire Authority Act 1958*; and
- (b) any land insured with the Director under this section is uninsured within the meaning of those Acts; and
- (c) the Director must pay any expenses and charges incurred by a fire brigade of the Metropolitan Fire Brigades Board or of the Country Fire Authority in attending a fire on land insured with the Director.”.

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**Validation.**

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10. Any contract of insurance entered into before the commencement of section 9 which would have been valid if section 9 had been in operation at the time it was entered into has the same effect as it would have if section 9 had been in operation at that time.

**Omission of references to “permanent head”.**

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11. (1) In section 62 (1) of the *Housing Act 1983*, omit the definition of “Permanent head”.

(2) In sections 63 (3), 64, 66 (1) and (3), 68 (1) and (2) and 69 (1) of that Act, for “permanent head” (wherever occurring) substitute “Director”.

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**Delegation.**

12. Section 62 (2) of the *Housing Act 1983* is repealed.

**Appeals against making of declarations.**

13. (1) In section 65 of the *Housing Act 1983*, for “permanent head” (wherever occurring) substitute “Director”.

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(2) In section 65 (1) of that Act, for “who feels aggrieved by” substitute “on whom is served a copy of”.

(3) In section 65 (2) of that Act—

(a) omit “or allow”; and

(b) omit “as to the whole or to a part”; and

(c) for “permanent head’s declaration” substitute “declaration of the Director, or may allow the appeal”.

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(4) After section 65 (2) of that Act insert—

“(2A) The court may allow an appeal only if it is satisfied that the house complies in all respect with the regulations.”.

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**Penalty interest.**

14. In section 67 of the *Housing Act 1983*—

(a) for “permanent head” (wherever occurring) substitute “Director”; and

5 (b) after sub-section (2) insert—

“(2A) Any such expenses bear interest from the date determined under sub-section (2) until payment at the rate for the time being fixed under section 2 of the *Penalty Interest Rates Act 1983*.”.

10 **Certificates.**

15 15. (1) In section 70 (1) of the *Housing Act 1983*, for the expression beginning “Upon” and ending “application —” substitute “The Director must, on receipt of an application in a form approved by the Minister, give to or send by post to the applicant a certificate which states in respect of any land described in the application —”.

(2) In section 70 (1) (a) and (3) of that Act, for “permanent head” (wherever occurring) substitute “Director”.

(3) In section 70 (3) of that Act, for “his” substitute “the Director’s”.

20 **Powers of entry.**

16. (1) In section 71 (1) of the *Housing Act 1983*—

(a) after “purpose” insert “of ascertaining whether a house complies with the regulations”; and

25 (b) for “permanent head” (wherever occurring) substitute “Director”; and

(c) omit “to enter”; and

(d) in paragraph (a) before “any house” insert “to enter”; and

(e) in paragraph (b) before “conduct” insert “to”.

(2) In section 71 (2) of that Act—

30 (a) for “the occupiers” substitute “any resident”; and

(b) for “occupied building” substitute “house in which any person resides”; and

(c) for “the occupier” substitute “any resident”.

(3) In section 71 (3) of that Act—

35 (a) for “permanent head” substitute “Director”; and

(b) for “the occupants” substitute “any resident”.

(4) In section 71 (4) of that Act, for “permanent head” substitute “Director”.

(5) After section 71 (4) of that Act insert—

“(5) A person who is duly authorised by the Director under sub-section (1) to enter premises may, unless the premises are a house in which any person resides, use any reasonable force that is necessary to enter the premises.”.

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**New section 71A inserted.**

17. After section 71 of the *Housing Act 1983* insert—

**Indemnity.**

“71A. The Director is not liable for damages for any loss sustained by any person as a result of—

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(a) the making by the Director of a declaration under section 64; or

(b) the making by the Housing Commission of a declaration under section 56 of the *Housing Act 1958*; or

(c) a declaration referred to in paragraph (a) or (b) ceasing to operate.”.

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**Regulations.**

18. In section 73 (1) of the *Housing Act 1983*—

(a) paragraphs (h) and (i) are repealed; and

(b) sub-section (3) is repealed.

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**Parking of vehicles on land of the Director.**

19. (1) In clause 1 of Schedule 5 to the *Housing Act 1983* (definition of “the Director’s land”), after “Director” insert “, or land in which the Director has an interest under a licence”.

(2) In clause 5 (2) of that Schedule, for paragraph (b) substitute—

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“(b) by attaching the notice to the vehicle by an adhesive portion of the notice or by a separate adhesive seal;”.

(3) In clause 5 (3) of that Schedule—

(a) omit “shall be in the prescribed form and”; and

(b) omit “; and (c) such other particulars and instructions as are prescribed”.

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(4) In clause 6 of that Schedule, after paragraph (c) insert—

”; and (d) where no information is laid—into the general fund maintained by the Director.”.



**Standards of habitation.**

20. In Schedule 6 to the *Housing Act 1983*—

- (a) for “permanent head” (wherever occurring) substitute “Director”; and
- 5 (b) in clause 5 (1), after “66” insert “or a declaration under section 56 (1) of the *Housing Act 1958*,”; and
- (c) in clause 6 (1), for “that declaration” substitute “that direction”.

**Gender neutral language.**

- 10 21. The *Housing Act 1983* is amended as specified in Schedule 1.



**SCHEDULE 1**  
GENDER NEUTRAL LANGUAGE

section 21

<i>Provision</i>	<i>Amendment</i>
Section 4 (1) (definition of "Owner")	for "his" substitute "that person's".
Section 7	for "him" substitute "the Minister".
Section 8 (4)	for "his" substitute "that".
Section 9 (1) (a) (ii)	for "his" substitute "that".
Section 9 (1) (a) (iii)	after "he" insert "or she".
Section 9 (1) (b) (i)	(a) for "he" (where first occurring) substitute "that person"; and (b) for "his" substitute "the"; and (c) after "he" (where secondly occurring) insert "or she".
Section 9 (1) (b) (ii)	(a) for "he" (where first occurring) substitute "that person"; and (b) omit "his"; and (c) after "he" (where secondly occurring) insert "or she".
Section 9 (1) (c)	(a) after "his" (where first occurring) insert "or her"; and (b) for "his" (where secondly occurring) substitute "that".
Section 9 (1) (d)	(a) for "his" (where first occurring) substitute "that"; and (b) after "his" (where secondly occurring) insert "or her".
Section 9 (1) (e)	(a) after "his" (where first occurring) insert "or her"; and (b) omit "his" (where secondly occurring).
Section 9 (1) (f)	(a) omit "his" (where first occurring); and (b) after "he" insert "or she"; and (c) for "his" (where secondly occurring) substitute "that".
Section 9 (2)	after "his" insert "or her".
Section 12 (1)	for "its control" substitute "the control of the Director".
Section 12 (2)	for "him" substitute "the Minister".
Section 18 (3)	after "him" insert "or her".
Section 20 (1) (a)	for "it" substitute "the Director".
Section 26 (2) (b)	(a) for "his or its" substitute "that person's"; and (b) for "him or it" substitute "that person".
Section 27 (3)	(a) for "he" substitute "the Minister"; and (b) for "him" substitute "the Minister".
Section 27 (5)	(a) for "its" substitute "the Director's"; and (b) for "he" substitute "the Minister" and

SCHEDULE 1—*continued*

<i>Provision</i>	<i>Amendment</i>
Section 27 (8)	(c) for “him” substitute “the Minister”. for “he” (wherever occurring) substitute “the Minister”.
Section 28 (4)	for “him” substitute “the Auditor-General”.
Section 31 (2)	for “its” substitute “the Director’s”.
Section 35 (3)	after “his” insert “or her”.
Section 35 (4)	for “he” substitute “the Minister”.
Section 35 (6)	(a) omit “itself”; and (b) for “it” substitute “the Director”.
Section 37 (1)	after “his” (wherever occurring) insert “or her”.
Section 39	(a) for “him” substitute “that person”; and (b) for “he” substitute “the person”;
Section 43 (1) (a)	(a) for “his place of residence” (wherever occurring) substitute “the place of residence of the owner or occupier”; and (b) omit “in either case”.
Section 43 (1) (b)	for “his place of residence” substitute “the place of residence of the owner”.
Section 43 (1) (c)	for “his place of residence” substitute “the place of residence of the owner”.
Section 44 (c)	omit “of his”.
Section 55 (3) (b)	(a) for “his or its” substitute “that person’s”; and (b) for “him or it” substitute “that person”.
Section 59 (3)	(a) for “chairman” substitute “chairperson”; and (b) for “him” substitute “the registrar”.
Section 60 (4)	(a) omit “of his”; and (b) after “he” insert “or she”.
Section 65 (1)	for “him” substitute “that person”.
Section 66 (1) (b)	for “his” substitute “the”.
Section 66 (5)	(a) for “he” (wherever occurring) substitute “the owner”; and (b) for “him” substitute “the owner”.
Section 68 (1)	for “he” substitute “the Director”.
Section 69 (1)	for “by himself or by his” substitute “personally or by an”.
Section 69 (2)	(a) for “he” (where first occurring) substitute “the owner”; and (b) omit “his” (where first occurring); and (c) for “he” (wherever occurring in paragraphs (a) and (b)) substitute “the purchaser”; and (d) for “himself” (wherever occurring) substitute “the purchaser”; and (e) for “his” in paragraph (a) substitute “the purchaser’s”.

SCHEDULE 1—*continued*

<i>Provision</i>	<i>Amendment</i>
Section 73 (1) (e)	for "him" substitute "that person".
Schedule 2	
—clause 8	(a) for "its" (wherever occurring) substitute "the Director's"; and (b) for "it" substitute "the Director".
Schedule 5	
—clause 3 (5)	for "it" substitute "the Director".
—clause 5 (1)	after "he" insert "or she".
—clause 5 (2) (c)	after "his" (wherever occurring) insert "or her".
—clause 5 (5)	after "his" insert "or her".
—clause 7	after "his" insert "or her".
—clause 8 (3)	for "his behalf on his giving satisfactory evidence of his right" substitute "behalf of the owner on the owner's giving satisfactory evidence on his or her right".
—clause 8 (4)	for "his behalf" substitute "behalf of the owner".
—clause 8 (5)	for "he" substitute "the purchaser".
Schedule 6	
—clause 5 (2)	after "he" insert "or she".
—clause 6 (3)	after "he" (wherever occurring) insert "or she".



