

Housing (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 states the purposes of the Act.

Clause 2 provides for the Act's commencement.

Clauses 3 and 4 correct spelling mistakes contained in the *Housing Act 1983*.

Clause 5 amends the movable unit provisions of the *Housing Act 1983* by removing the requirement that the conditions of movable unit hiring contracts be prescribed, by restricting the Director's powers in respect of movable units to those units owned by the Director, by providing that evictions proceedings in respect of movable units be conducted under section 122 (1) of the *Residential Tenancies Act 1980* and by empowering the Director to enter premises when hiring contracts have been terminated.

Clause 6 amends the *Housing Act 1983* by inserting provisions empowering the Director to participate in the secondary mortgage market by dealing with corporations recognised under section 3A (4) of the *Trustee Act 1958*.

Clause 7 amends the *Housing Act 1983* by removing the requirement that the conditions of death benefit contracts entered into by the Director be prescribed.

Clause 8 amends the *Housing Act 1983* by inserting provisions empowering the Director to give guarantees and indemnities with the approval of the Treasurer.

Clauses 9 and 10 insert into the *Housing Act 1983* provisions enabling the Director to carry on insurance business in relation to land sold by or mortgaged to the Director and a provision validating existing insurance contracts.

Clause 11 amends the *Housing Act 1983* by replacing references to the permanent head with references to the Director.

Clause 12 repeals an unnecessary delegation power contained in the *Housing Act 1983*.

Clause 13 amends the *Housing Act 1983* by restricting appellants objecting to housing standards declarations to those persons having an interest in the house in respect of which the declaration is made and by specifying when an appeal may be allowed.

Clause 14 includes in the *Housing Act 1983* a provision requiring the payment of interest where the Director is obliged to incur expenses to make a house comply with the housing standards regulations.

Clause 15 amends the *Housing Act 1983* by making new provision for the giving by the Director of certificates relating to housing standards matters.

Clause 16 amends and clarifies the Director's powers under the *Housing Act 1983* to enter houses for the purposes of exercising the Director's housing standards functions.

Clause 17 amends the *Housing Act 1983* by inserting a provision indemnifying the Director against liability in cases where a proper housing standards declaration has been made or ceases to operate.

Clause 18 repeals the regulation making power in respect of movable unit hiring conditions and the house purchase death and disability benefit scheme conferred by the *Housing Act 1983*.

Clause 19 amends the provisions of the *Housing Act 1983* regulating the parking of vehicles on land of the Director by including land held by the Director under licence, by providing a method of serving infringements notices, by removing the requirement that

such notices be in a prescribed form and by providing for the appropriation of fines paid in cases where no court process is instituted.

Clause 20 amends the standards of habitation provisions of the *Housing Act 1983* by obliging advertisements promoting the sale of a house to include reference to any outstanding notice issued under the *Housing Act 1958* and by obliging the Director to notify the Registrar of Titles within 14 days of making a direction under section 66 of the *Housing Act 1983*.

Clause 21 and Schedule 1 amends the *Housing Act 1983* by removing all sexist language contained in the Act and by replacing it with gender neutral expressions.