

NORTHERN TERRITORY OF AUSTRALIA

HOUSING ACT  
No. 76 of 1982  
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#### SCHEDULE



## NORTHERN TERRITORY OF AUSTRALIA

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No. 76 of 1982

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### AN ACT

To provide for the establishment of a Northern Territory Housing Commission and for the provision by the Commission of dwellings for letting or sale, and for related purposes

[Assented to 8 December 1982]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### PART I - PRELIMINARY

##### 1. SHORT TITLE

This Act may be cited as the *Housing Act 1982*.

##### 2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

##### 3. REPEAL

The Acts specified in the Schedule are repealed.

##### 4. APPLICATION

This Act binds the Crown in right of the Territory.

##### 5. DEFINITIONS

In this Act, unless the contrary intention appears -

"appoint" includes re-appoint;

"Chairman" means the member appointed under section 7(1) to be the Chairman of the Commission;

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"Commission" means the Northern Territory Housing Commission established by section 6(1);

"deputy" means a person appointed under section 11(1) to be the deputy of a member;

"Deputy Chairman" means the member appointed under section 7(1) to be the Deputy Chairman of the Commission;

"dwelling" means a house built or otherwise acquired, and retained, by the Commission or a house in the control of the Commission as agent for the purpose of section 16(2)(h);

"equipment", in relation to a dwelling, includes any furnishings, fitments and appliances provided in the dwelling by the Commission for the better use of the dwelling as a residence;

"former Act" means the *Housing Act* as in force immediately before the commencement of this Act;

"former Commission" means the Northern Territory Housing Commission established by the former Act;

"Home Finance Trustee" means the Home Finance Trustee within the meaning of section 4 of the *Housing Loans Act*;

"house" means a residence of any kind and includes -

- (a) a unit within the meaning of the *Unit Titles Act*, a flat, a hostel or a transportable home;
- (b) accommodation declared by the Minister, by notice in the *Gazette*, to be a house for the purposes of this Act; and
- (c) the appurtenances, out-buildings, fences and permanent provision for lighting, water supply, drainage and sewerage provided in connection with a house,

and, in relation to letting, vacating, evicting or selling, also includes the land on which a house is situated, but does not otherwise include any land;

"let", in relation to a dwelling, includes sub-let and also includes lease or sub-lease the land on which the dwelling is situated;

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"maintain" means repair, alter, extend, renovate, equip, furnish or otherwise affect premises;

"market value", in relation to a dwelling, means the highest amount that, in the opinion of the Valuer-General, the dwelling, including the land on which the dwelling is situated, could be sold for if offered for sale by private treaty;

"member" means a person appointed under section 7(1) to be a member of the Commission and includes the Chairman and the Deputy Chairman;

"premises" means a house and includes the land upon which a house is built.

### PART II - NORTHERN TERRITORY HOUSING COMMISSION

#### *Division 1 - Establishment and Constitution of the Commission*

#### 6. NORTHERN TERRITORY HOUSING COMMISSION

(1) There is established by this Act a Commission by the name of the Northern Territory Housing Commission.

(2) The Commission -

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to a document and shall presume that it was duly affixed.

#### 7. COMPOSITION OF COMMISSION AND APPOINTMENT OF MEMBERS

(1) The Commission shall consist of -

(a) a Chairman;

(b) a Deputy Chairman;

(c) a tenant representative; and

(d) two other members,

appointed, by notice in the Gazette, by the Minister.

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(2) The tenant representative referred to in sub-section (1)(c) shall be a person who is, at the time of his appointment under that sub-section, a tenant of a dwelling.

(3) Subject to this Act, a member, other than the Chairman, shall hold office for 3 years.

(4) The performance of a function and the exercise of a power of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

### 8. CONDITIONS OF CHAIRMAN, &c.

(1) The Chairman shall -

(a) be paid such salary, allowances and expenses; and

(b) hold office on such terms and conditions,

as the Administrator determines.

(2) The Chairman shall, subject to the directions of the Commission, administer the affairs of the Commission.

(3) Payments of salary, remuneration, allowances and expenses to a member shall be made from the money of the Commission.

### 9. RESIGNATION OF MEMBERS

A member may resign his office by writing signed by him and delivered to the Minister.

### 10. DISMISSAL OF MEMBERS

(1) The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member -

(a) is absent, except on leave granted by the Commission, from 3 consecutive meetings of the Commission; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the member.

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### 11. DEPUTIES OF MEMBERS

(1) The Minister may appoint a person to be the deputy of a member.

(2) A deputy shall, in the event of the absence from a meeting of the Commission of the member of whom he is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member.

(3) An act done by a deputy as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of his powers or the performance of his functions did not arise or had ceased.

(4) A reference in this Act to the Chairman or to the Deputy Chairman shall not be construed as including a reference to the deputy of the Chairman or of the Deputy Chairman.

### 12. DISCLOSURE OF INTEREST

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Commission, and the member -

(a) shall not, while he has that interest, take part after the disclosure in any deliberation or decision of the Commission in relation to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Commission in relation to that matter.

### 13. MEETING OF COMMISSION

(1) The Chairman shall call such meetings of the Commission as are necessary for the performance of its functions and the exercise of its powers, but so that the interval between one meeting and the next does not exceed 3 months.

(2) The Minister may at any time direct the Chairman to convene a meeting of the Commission and the Chairman shall convene a meeting accordingly.

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(3) The Chairman shall preside at each meeting of the Commission at which he is present.

(4) Where the Chairman is absent from a meeting of the Commission, the Deputy Chairman shall preside at that meeting.

(5) Where both the Chairman and the Deputy Chairman are absent from a meeting of the Commission, the members present shall appoint one of their number to preside at that meeting.

(6) At a meeting of the Commission 3 members constitute a quorum.

(7) A question arising at a meeting of the Commission shall be determined by a majority of the votes of the members present.

(8) The member presiding at a meeting of the Commission shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(9) The Commission shall cause minutes to be kept of its meetings.

### 14. DELEGATION BY COMMISSION AND CHAIRMAN

(1) The Commission or the Chairman may -

(a) in the case of the Commission - by writing under its seal; and

(b) in the case of the Chairman - by instrument in writing,

delegate to an employee within the meaning of the *Public Service Act* any of its or his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Commission or the Chairman, as the case may be.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commission or the Chairman.

### *Division 2 - Functions and Powers of the Commission*

### 15. FUNCTIONS OF COMMISSION

The functions of the Commission are -



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- (a) to provide and to assist in the provision of residential accommodation; and
- (b) to provide accommodation, whether residential, office, industrial or otherwise, for Commonwealth or Territory public purposes.

### 16. POWERS OF COMMISSION

(1) Subject to this Act, the Commission has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

(2) Without limiting the generality of sub-section (1), the Commission may, for the purpose of carrying out its functions or exercising its powers, including the powers conferred upon it elsewhere in this Act -

- (a) acquire, hold and dispose of real or personal property, or any interest therein, and any rights, privileges, permits, licences and authorities;
- (b) prepare sites for building;
- (c) build on land, including land held by a private person;
- (d) maintain, manage and control premises;
- (e) let premises;
- (f) sell dwellings;
- (g) provide financial and other assistance for the acquisition of land or buildings for accommodation, and for building and maintaining premises for accommodation;
- (h) act as agent for the Commonwealth or Territory in administering a Commonwealth or Territory housing scheme;
- (j) manufacture or otherwise produce its own materials;
- (k) build, purchase or otherwise acquire, with the approval in writing of the Minister, and maintain premises and other buildings for its own immediate or future office or industrial requirements;

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- (m) build, purchase or otherwise acquire, with the approval in writing of the Minister, and control, manage and maintain premises and other buildings for the immediate or future needs of the Commonwealth or Territory; and
- (n) sell, lease or otherwise dispose of real or personal property, including any part of premises and buildings referred to in paragraph (k) or (m), that is then surplus to its own, the Commonwealth's or the Territory's needs.

(3) The Commission shall not, except under this Act, sell, lease or otherwise dispose of real or personal property, other than building materials, unless the sale, lease or other disposal is made either by public auction or after inviting public tenders for the purchase, lease or other disposal of the property.

(4) The Minister may, by instrument in writing, authorize the Commission to sell, lease or otherwise dispose of real or personal property, being property of the Commission, to a statutory corporation or class of persons specified in the authorization.

### 17. MINISTERIAL CONTROL

In the exercise of its powers and the performance of its functions, the Commission is subject to the directions of the Minister.

### 18. POWER OF COMMISSION TO ENTER LAND AND TAKE PROPERTY OF COMMISSION

(1) Where property of the Commission is upon, or affixed to or within a building located upon, land which is either not leased to the Commission or leased to the Commission and occupied by another person, the Commission may, by such agents, servants and workmen as it thinks fit for the purpose, enter upon and remove its property from that land, and, for the purpose of such removal, use any road, railway, tramway or other facility of transport upon that land.

(2) The owner, lessee, or person in occupation, of land entered upon in pursuance of sub-section (1) shall be paid just compensation by the Commission for damage, if any, suffered by him in respect of the entry or use of methods of transport.

### 19. TENANT TO BE RESPONSIBLE FOR MAINTENANCE OF DWELLING

(1) The tenant of a dwelling shall keep the dwelling and its equipment in the condition that, in the opinion of the Commission, it was in when that person became the

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tenant of that dwelling or as improved from time to time by the Commission, fair wear and tear, and damage by, or arising out of, fire, storm and tempest, flood or earthquake excepted.

(2) Where the tenant of a dwelling has not complied with the requirements of sub-section (1) in respect of the dwelling, the Commission may enter that dwelling, by such agents, servants and workmen as it thinks fit for the purpose, and cause to be carried out any work necessary to make good the default of that tenant.

(3) The costs and expenses reasonably incurred by the Commission in exercising its powers under sub-section (2) shall be a debt due and payable to the Commission by the tenant of the dwelling in respect of which those powers were exercised.

### 20. REMOVAL OF ILLEGAL STRUCTURES

(1) Where the tenant of a dwelling makes an alteration, addition or erection to, or demolishes the whole or any part of, premises leased by him from the Commission without prior approval from the Commission, the Commission may give notice in writing to the tenant requiring that the premises be returned to the state that they were in, or as near thereto as is practicable, prior to the alteration, addition, erection or demolition.

(2) Where the tenant of a dwelling referred to in sub-section (1) has not complied with a notice given under that sub-section within 28 days after the date of service of the notice upon him, or such longer period as the Commission, by notice in writing to that tenant, allows, the Commission may, by such agents, servants and workmen as it thinks fit for the purpose, enter the premises, and cause to be carried out any work necessary to make good the default of that tenant.

(3) The costs and expenses reasonably incurred by the Commission in exercising its powers under sub-section (2) shall be a debt due and payable to the Commission by the tenant of the dwelling in respect of which those powers were exercised.

## PART III - MONEY OF COMMISSION

### 21. MONEYS OF COMMISSION

The moneys of the Commission consist of -

- (a) moneys paid to the Commission out of money appropriated for the purpose by the Legislative Assembly;

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- (b) such moneys as the Commission receives in the performance of its functions and the exercise of its powers;
- (c) moneys lent to the Commission by the Territory or the Treasurer, or by a statutory corporation or financial institution; and
- (d) moneys advanced under section 27 to the Commission.

### PART IV - PROVISION OF HOUSING AND RENTAL OF DWELLINGS

#### 22. COMMISSION TO ADMINISTER PRESCRIBED HOUSING SCHEMES

Subject to section 16(2)(h), the Commission shall not, except with the consent in writing of the Minister, administer a housing scheme other than a prescribed housing scheme.

#### 23. MINISTER TO DETERMINE RENTS

The Minister shall, subject to such terms and conditions as he thinks fit, determine the rent to be paid for each dwelling to be let under this Act.

### PART V - PROVISION OF HOUSING ASSISTANCE

#### 24. COMMISSION TO ADMINISTER PRESCRIBED HOUSING ASSISTANCE SCHEMES

The Commission shall not, except with the consent in writing of the Minister, administer a scheme for providing assistance in the purchase of housing other than a prescribed housing assistance scheme.

#### 25. TRUST ACCOUNT

(1) Notwithstanding the repeal, on the commencement of this Act, of section 33K of the former Act, the trust account established in pursuance of that section continues in existence for the purposes of sub-section (2).

(2) The Commission shall, in respect of the trust account continued in existence under sub-section (1), debit to that account -

- (a) all repayments of advances made to the Commission under this Part or formerly made to the Home Finance Trustee under the *Housing Loans Act*;
- (b) all payments of interest on advances referred to in paragraph (a); and

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- (c) all moneys paid or advanced by the Commission under this Part or formerly paid or advanced by the Home Finance Trustee under the *Housing Loans Act* (including costs of administration, maintenance, repairs or insurance of buildings).

### 26. MONEY MAY BE ADVANCED FOR CERTAIN PURPOSES

For the purpose of carrying out a prescribed housing assistance scheme, the Commission may, upon such terms as the Treasurer thinks fit, advance money to a person to whom such a scheme relates for the purpose of enabling the person -

- (a) to erect a house on land owned or leased by the person;
- (b) to purchase land or a lease of land and erect a house on the land;
- (c) to purchase land on which a house is erected or a lease of such land;
- (d) to purchase a dwelling;
- (e) to complete a partially erected house owned by the person;
- (f) to repair a damaged house owned by the person;
- (g) to modify a house owned by the person;
- (h) to purchase land or a lease of land on which is situated a partially erected or damaged house and complete the erection or repair of the house;
- (j) to exchange a house owned by the person; and
- (k) to discharge a mortgage, charge or encumbrance already existing on land or a lease of land.

### 27. COMMISSION MAY ACCEPT ADVANCES

For the purposes of this Part, the Commission may accept an advance made to it by a person approved by the Treasurer.

### 28. MAINTENANCE AND INSURANCE OF DWELLINGS AND HOUSES

The Commission may make such payments as it thinks fit for the maintenance or insurance of a dwelling or house sold or in respect of which an advance has been made by it under this Part or formerly made by the Home Finance Trustee under the *Housing Loans Act* under a prescribed

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housing assistance scheme in force under this Part or Part VIII or formerly in force under the *Housing Loans Act* and in respect of which an amount of purchase money or the advance is owing.

### PART VI - SALE OF PROPERTY WITHIN 3 YEARS

#### 29. SALE WITHIN 3 YEARS OF PROPERTY SUBJECT TO MORTGAGE

(1) This section applies to a mortgage executed under -

- (a) a housing scheme administered, in pursuance of section 33F(2) of the former Act, by the former Commission as agent for the Territory;
- (b) a housing assistance scheme set out in the Home Loans Scheme Regulations; and
- (c) a scheme, made under this Act, to which this section is expressed to apply.

(2) Subject to sub-section (3), where, after 31 December 1980, money is lent under a mortgage to which this section applies, and within 3 years after the loan was made a mortgagor enters into an agreement for the sale or disposal of the property the subject of the mortgage or, in the opinion of the Commission, enters into an arrangement with the object of discharging the mortgage in anticipation of, or as part of an arrangement for, the sale or other disposal of the property the subject of that mortgage, then, notwithstanding the terms of that mortgage, the mortgagor shall pay to the Commission, in addition to any other amount payable under that mortgage, the difference between -

- (a) the amount of interest, but for paragraph (b), payable by the mortgagor during the currency of that mortgage; and
- (b) the amount of interest that would have been payable by him had he been liable to pay interest on the amount of the loan from time to time outstanding at the highest rate of interest from time to time chargeable to a person in respect of a first mortgage under the housing assistance scheme set out in the Home Loans Scheme Regulations.

(3) The Minister may, in his discretion, by instrument in writing exempt a mortgagor referred to in sub-section (2) from the application of that sub-section.

(4) The amount which a mortgagor is required to pay under sub-section (2) to the Commission shall be deemed to be part of the interest payable under the mortgage.

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### PART VII - MISCELLANEOUS

#### 30. PROTECTION OF MEMBERS, &c.

A member or person acting with the authority of the Commission is not personally liable in respect of any matter or thing done or contract entered into -

- (a) by the Commission; or
- (b) by that person,

where the matter or thing was done, or the contract was entered into, in good faith for the purpose of executing this Act or any other Act conferring or imposing functions on the Commission.

#### 31. FALSE STATEMENTS IN DOCUMENTS

(1) A person shall not, in a document furnished to the Commission or to a member or person acting with the authority of the Commission, knowingly make a false statement.

Penalty: \$1,000 or imprisonment for 6 months.

(2) A prosecution for an offence against subsection (1) shall not, in respect of a loss or damage incurred by or to the Commission as a consequence of the offence, interfere with or lessen a right or remedy by civil process by the Commission against a person charged with that offence.

#### 32. LIABILITY FOR RATES AND WATER AND SEWERAGE CHARGES, &c.

(1) Notwithstanding the *Local Government Act* -

- (a) where the Commission has acquired land within a municipality and there is a dwelling on the land or the Commission proposes to erect a dwelling on that land, that land is rateable land for the purposes of the *Local Government Act*; and
- (b) the Commission is liable for payment of a charge made by the Council of a municipality for a service provided for the removal of night-soil or garbage in respect of the land on which a dwelling is situated.

(2) A statement in writing by the Commission that it proposes to erect a dwelling, or that it does not propose to erect a dwelling, on land specified in the statement is, for the purposes of this section, conclusive evidence as to that fact.

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### 33. LIABILITY FOR WATER CHARGES

(1) Subject to sub-section (2), the amount of a charge made under a law in force in the Territory for water supplied to land on which a dwelling is situated shall be recoverable only from the Commission.

(2) The amount of the charge referred to in sub-section (1) recoverable from the Commission in relation to a dwelling that is separately metered for the purpose of determining that charge does not include the component of that charge which, in the opinion of the Commission, and notwithstanding any other law in force in the Territory, is an excess or additional water charge.

### 34. APPLICATION OF *TENANCY ACT*

Part VII of the *Tenancy Act* shall apply to and in relation to the repossession by the Commission of premises let under this Act.

### 35. MINISTER MAY DETERMINE AMOUNT AT WHICH DWELLING SHALL BE SOLD

The Minister may, in writing, determine the amount at which a dwelling, including the land on which the dwelling is situated, shall be sold under this Act and, accordingly, the Commission shall not sell that dwelling except at that amount so determined.

### 36. SERVICE OF DOCUMENTS

A notice or other document which, under this Act, is required or permitted to be served on a person, may be so served -

- (a) by handing it or tendering it to the person;
- (b) by properly addressing and posting it by pre-paid post to the last-known or usual place of abode or business of the person; or
- (c) by leaving it with some person apparently over the age of 16 years at the last-known or usual place of abode or business of the person.

### 37. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), the Regulations may -



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- (a) make provision for and in relation to schemes for the provision of assistance in the purchase of housing, and including, for such purposes, the purchase of land where the purchase of the land is for the purpose of the construction of housing on that land;
  - (b) make provision for and in relation to types of housing schemes and the class of persons eligible under such housing schemes;
  - (c) subject to section 35, make provision for and in relation to the sale at market value of dwellings by the Commission;
  - (d) make provision for and in relation to housing for certain classes of persons or their employees;
  - (e) make provision for and in relation to the letting of dwellings by the Commission to certain classes of persons and their employees;
  - (f) make provision for and in relation to the Commission acting as an agent for the Commonwealth or the Territory in the administration of a Commonwealth or Territory housing scheme;
  - (g) make provision for and in relation to the terms and conditions upon which a rate of interest shall be payable on the balance of the purchase price for the time being outstanding under a contract of sale of, or a mortgage in respect of, a dwelling by a person purchasing, under a prescribed housing scheme referred to in section 22, the dwelling; and
  - (h) prescribe penalties, not exceeding a fine of \$1,000 or imprisonment for a period not exceeding 6 months, for an offence against the Regulations.
- (3) Regulations made in pursuance of sub-section (2)(g) may be expressed to apply to a housing scheme administered, in pursuance of section 33F(2) of the former Act, by the former Commission as agent for the Territory and, for such purposes -
- (a) the housing scheme shall be deemed to be a prescribed housing scheme referred to in section 22; and
  - (b) such regulations may be expressed to come into operation on a date before such regulations were made and shall, accordingly, be deemed to have come into operation on the date so specified.

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### PART VIII - TRANSITIONAL AND SAVINGS

#### 38. COMMISSION TO REPLACE FORMER COMMISSION

On and from the commencement of this Act -

- (a) all real and personal property that, immediately before that commencement, was vested in the former Commission shall vest in the Commission;
- (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by the former Commission shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Commission;
- (c) all proceedings commenced before that commencement by the former Commission and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by the Commission and all proceedings so commenced by any person against the former Commission and pending immediately before that commencement shall be deemed to be proceedings pending on that commencement by that person against the Commission;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the former Commission and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Commission;
- (e) the Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of actions and proceedings so referred to as the former Commission might have done but for the commencement of this Act;
- (f) the Commission may enforce and realize any security or charge existing immediately before that commencement in favour of the former Commission and may exercise any powers thereby conferred on the former Commission as if the security or charge were a security or charge in favour of the Commission;

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- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, the former Commission shall be debts due by, money payable by and claims recoverable against, the Commission; and
- (h) all liquidated and unliquidated claims for which the former Commission would, but for this Act, have been liable shall be liquidated and unliquidated claims, as the case may be, for which the Commission shall be liable.

### 39. REFERENCES IN OTHER ACTS, &c.

On and from the commencement of this Act, a reference in -

- (a) an Act;
- (b) an instrument of a legislative or administrative character (an instrument appointing a person as a member of the former Commission excepted); or
- (c) another document not being an instrument of a legislative or administrative character,

to the former Commission shall be a reference to the Commission.

### 40. SAVING OF MEMBERS AND DEPUTIES

(1) The members of the former Commission shall, on and from the commencement of this Act, be the members of the Commission as though they had, on that date, and notwithstanding section 7(3), been appointed under section 7(1) to the respective membership on the Commission they held in the former Commission for the remainder of the term of office they had left to serve on the former Commission and, for that purpose, the instruments under the former Act appointing those members to the former Commission shall continue in force accordingly.

(2) A person appointed under section 7(1) of the *Housing Act* as in force at any time before the commencement of this Act to be a deputy of a member of the former Commission shall, on and from the commencement of this Act, if that appointment was in force immediately before that commencement, be the deputy of the member in respect of whom he was so appointed as though the person had, on that commencement, been appointed under section 11(1) to be the deputy of that member and, for that purpose, the instruments under the former Act appointing those deputies to the former Commission shall continue in force accordingly.

41. CONTINUATION OF EXISTING SCHEMES

(1) Notwithstanding the repeal, on the commencement of this Act, of Part III of the former Act, a scheme made under that Part and in force immediately before that repeal shall, on the commencement of this Act, continue in force but may be repealed or amended as though it were a scheme in force under this Act.

(2) Notwithstanding the repeal, on the commencement of this Act, of sections 33G and 33H(1) of the former Act, a scheme referred to in either of those sections in force immediately before that repeal shall, on the commencement of this Act, continue in force but may be repealed or amended as though it were a scheme in force under this Act.

(3) A reference to the Home Finance Trustee in a scheme referred to in sub-section (2) shall be read as including a reference to the Commission.

(4) Notwithstanding the repeal, on the commencement of this Act, of section 33H(3) of the former Act, the Regulations continued in force by that section, as in force immediately before the commencement of this Act, shall, on the commencement of this Act, continue in force as though made under this Act, but -

- (a) a reference in those Regulations to the Home Finance Trustee shall be read as including a reference to the Commission; and
- (b) those Regulations may be amended or repealed by regulations made under this Act.

42. ENFORCEMENT OF CONTRACTS AGAINST HOME FINANCE TRUSTEE

(1) A contract or agreement made by or with the Home Finance Trustee may be enforced -

- (a) by and against the Commission as if the contract or agreement had been made with the Commission; or
- (b) against the Home Finance Trustee.

(2) Where, in pursuance of sub-section (1), a contract is enforceable against the Home Finance Trustee, the Commission -

- (a) may discharge all obligations of the Home Finance Trustee under the contract or agreement;
- (b) may defend any action or resist any arbitration proceeding arising under the contract or agreement; and

## *Housing*

- (c) guarantees the payment of any moneys ordered or awarded to be paid by the Home Finance Trustee in the action or arbitration proceeding.

### 43. REPAYMENT OF ADVANCE

The Commission shall repay, to a person who has advanced money to the Home Finance Trustee under the *Housing Loans Act*, the balance of moneys outstanding on the commencement of this Act, together with all interest accrued or accruing, in accordance with the terms and conditions on which the money was advanced to the Home Finance Trustee.

### 44. SAVING OF COMMISSION AS AGENT FOR COMMONWEALTH

Notwithstanding the repeal, on the commencement of this Act, of section 33F(1) of the former Act, where the former Commission was, immediately before the commencement of this Act, acting as agent for the Commonwealth for the purposes of that section, the Commission shall, on and from the commencement of this Act, but subject to this Act, continue to act as agent for the Commonwealth for those purposes.

### 45. SAVING OF ACTIONS

An act, matter or thing done or omitted to be done before the commencement of this Act by, to or in respect of the former Commission shall, to the extent that but for that commencement that act, matter or thing would on or after that commencement have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the Commission, as the case may be.

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SCHEDULE

Section 3

ACTS REPEALED

Number and year	Short title
No. 8, 1959	<i>Housing Ordinance</i> 1959
No. 18, 1960	<i>Housing Ordinance</i> 1960
No. 43, 1962	<i>Housing Ordinance</i> (No. 2) 1962
No. 74, 1963	<i>Housing Ordinance</i> 1962
No. 14, 1965	<i>Housing Ordinance</i> 1965
No. 43, 1966	<i>Housing Ordinance</i> 1966
No. 6, 1968	<i>Housing Ordinance</i> 1968
No. 9, 1969	<i>Housing Ordinance</i> 1969
No. 53, 1969	<i>Housing Ordinance</i> (No. 2) 1969
No. 17, 1970	<i>Housing Ordinance</i> 1970
No. 84, 1970	<i>Housing Ordinance</i> (No. 2) 1970
No. 6, 1971	<i>Housing Ordinance</i> 1971
No. 44, 1971	<i>Housing Ordinance</i> (No. 2) 1971
No. 60, 1972	<i>Housing Ordinance</i> 1972
No. 63, 1972	<i>Housing Ordinance</i> (No. 2) 1972
No. 21, 1973	<i>Housing Ordinance</i> 1973
No. 40, 1974	<i>Housing Ordinance</i> (No. 2) 1974
No. 41, 1974	<i>Housing Ordinance</i> (No. 3) 1974
No. 42, 1974	<i>Housing Ordinance</i> (No. 5) 1974
No. 56, 1974	<i>Housing Ordinance</i> (No. 4) 1974
No. 74, 1974	<i>Housing Ordinance</i> (No. 6) 1974
No. 27, 1975	<i>Housing Ordinance</i> 1975
No. 32, 1975	<i>Housing Ordinance</i> (No. 2) 1975
No. 57, 1976	<i>Housing Ordinance</i> 1976
No. 9, 1977	<i>Housing Ordinance</i> 1977
No. 35, 1978	<i>Housing Ordinance</i> 1978
No. 29, 1979	<i>Housing Act</i> 1979
No. 66, 1979	<i>Housing Act</i> (No. 2) 1979



