

WESTERN AUSTRALIA

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# GOVERNMENT EMPLOYEES' HOUSING AMENDMENT ACT

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No. 62 of 1987

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AN ACT to amend the *Government Employees' Housing Act 1964*.

[Assented to 13 November 1987]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## Short title

1. This Act may be cited as the *Government Employees' Housing Amendment Act 1987*.

### Commencement

2. Sections 4, 5 and 6 of this Act shall come into operation on a day to be fixed by proclamation.

### Principal Act

3. In this Act the *Government Employees' Housing Act 1964\** is referred to as the principal Act.

[\*Act No. 95 of 1964 as amended by Acts Nos. 3 of 1973 and 98 of 1985.]

### Section 8 amended

4. (1) Section 8 of the principal Act is amended by repealing subsections (2), (3), (4) and (5) and substituting the following subsection—

“ (2) The Authority shall consist of 8 members appointed by the Minister of whom—

- (a) one person shall be appointed to be chairman;
- (b) one person shall be the Under Treasurer of the State or an officer of the Treasury nominated in writing by the Under Treasurer;
- (c) one person shall be the Director-General of Education appointed under the *Education Act 1928* or an officer of the Education Department nominated in writing by the Director-General;
- (d) one person shall be the General Manager of The State Housing Commission continued under the *Housing Act 1980* or an officer of The State Housing Commission nominated in writing by the General Manager;
- (e) one person shall be the Commissioner of Police appointed under the *Police Act 1892* or an officer of the Police Department nominated in writing by the Commissioner;
- (f) one person shall be the General Secretary of The State School Teachers' Union of W.A. (Incorporated) or a person nominated in writing by the General Secretary;

- (g) one person shall be the General Secretary of the Western Australian Police Union of Workers or a person nominated in writing by the General Secretary; and
- (h) one person shall be the General Secretary of the Civil Service Association of Western Australia (Inc.) or a person nominated in writing by the General Secretary. ”.

(2) The appointment of the holder of an office specified in section 8 (2) of the principal Act as in force immediately before the coming into operation of this section is hereby determined.

### **Section 11 amended**

5. Section 11 of the principal Act is amended—

- (a) in subsection (1), be deleting “Governor” and substituting the following—

“ Minister ”; and

- (b) by repealing subsection (3) and substituting the following subsections—

“ (3) The Minister may terminate the appointment of a member appointed under section 8 (2) (a), (f), (g) or (h) by reason of the misbehaviour, or the physical or mental incapacity of the member.

(4) The term of office of a member appointed under section 8 (2) (b), (c), (d) or (e) is terminated if the person ceases to hold the position referred to in the relevant provision, or, if the person is nominated under one of those provisions, the nomination is withdrawn. ”.

### **Section 12 amended**

6. Section 12 of the principal Act is amended in subsection (4) (a) by deleting “three” and substituting the following—

“ 4 ”.

### Section 19 amended

7. Section 19 of the principal Act is amended in paragraph (h) by deleting “the provisions of paragraph (j) of subsection (3) of section thirty-seven AE of the Education Act, 1928” and substituting the following—

“ section 78 (1) (b) (iv) of the *Industrial Relations Act 1979* ”.

### Section 28 amended

8. Section 28 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “or” at the end of paragraphs (a) and (b);

(ii) in paragraph (c) by deleting “Department.” and substituting the following—

“ Department; or ”; and

(iii) by inserting after paragraph (c) the following paragraph—

“ (d) is an owner, or the spouse of an owner, of land where, in the opinion of the Authority, that tenant might reasonably reside. ”; and

(b) by inserting after subsection (3) the following subsection—

“ (4) For the purpose of subsection (1) (d) “owner”, in relation to any land, means—

(a) a person authorized by the Crown to occupy land vested in the Crown pursuant to any lease, licence, concession or any other arrangement;

(b) a person entitled to the use, occupation and enjoyment of land of which a corporation is the registered proprietor in fee simple, or a specific part of that land, by virtue of a shareholding in that corporation held by that person expressly conferring that entitlement;

- (c) a person entitled to—
  - (i) receive the rent of the land;
  - (ii) receive the rent of the land if the land were let at a rent; or
  - (iii) possession of the land for the time being as a beneficiary under a deceased estate or as a life tenant; or
- (d) a person who has agreed to purchase the land under a contract of sale, notwithstanding that title to that land has not passed to that person from the vendor. ”.

### **Section 30 added**

**9.** After section 29 of the principal Act the following section is added—

#### **Review of Act**

“ 30. (1) As soon as practicable after 1 July 1992, and every 5 years thereafter, the Minister shall cause an investigation and review to be conducted, and a report to be prepared, as to the need for this Act to continue in operation.

(2) The Minister shall cause a copy of the report prepared for the purposes of subsection (1) to be laid before each House of Parliament as soon as practicable after it is completed. ”.

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