

STATE HOUSING.

No. 50 of 1968.

AN ACT to amend the State Housing Act, 1946-1966 and to repeal the McNess Housing Trust Act, 1930-1965.

[Assented to 12th November, 1968.]

BE 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
and citation.

1. (1) This Act may be cited as the *State Housing Act Amendment Act, 1968*.

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Acts.
Approved for
reprint 1st
March, 1961
and
amended
by Acts Nos.
36 of 1961,
41 of 1964
and
11 of 1966.

(2) In this Act the State Housing Act, 1946-1966 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the State Housing Act, 1946-1968.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section six of the principal Act is amended— S. 6 amended.

(a) by adding after the interpretation, “tenant” the following interpretation—

“the Trust” means the McNess Housing Trust constituted under the McNess Housing Trust Act, 1930-1965; ; and

(b) as to the first proviso to the interpretation “worker”—

(i) by adding after the word, “age”, in line three, the words, “or of any child or children under twenty-one years of age who is or are dependent on that parent”;

(ii) by substituting for the words, “twenty-five pounds” in line eight, the words, “one hundred dollars”.

4. The principal Act is amended by adding after section twenty-one a section as follows— S. 21A added.

21A. (1) Forthwith upon the coming into operation of the State Housing Act Amendment Act, 1968—

Transfer of etc., property etc., of the McNess Housing Trust.

(a) all moneys, debentures and securities for money including moneys standing to the credit of the McNess Housing Trust Fund, and all interest thereon, and all books and documents, and other property, both real and personal, held by or on behalf of the Trust;

(b) all the assets and liabilities of the Trust; and

(c) all powers, authorities, rights, title, interest and obligation in or with respect to those assets and liabilities,

shall by virtue of this section, and without any transfer or assignment whatever pass to and

become vested in or imposed upon the Commission and be divested and discharged from the Trust.

(2) Any right of action or other remedy accrued to or against and any power or authority vested in or exercisable by and any agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation made, given or entered into, by or with the Trust may be prosecuted and enforced by or against the Commission as if the right of action or remedy had originally been vested in or exercisable by, or the agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation had been made, given or entered into by, to or with the Commission.

(3) In exercising the powers and functions, and in carrying out the duties, conferred or imposed upon it by subsections (1) and (2) of this section, the Commission shall, so far as is practicable, exercise those powers and functions, and carry out those duties, in the same manner as the Trust was required so to do by the provisions of the McNess Housing Trust Act, 1930-1965, but nothing in this subsection—

- (a) authorises the Commission to terminate, or vary the terms and conditions of, any weekly tenancy or life tenancy or fee simple purchase agreement, granted or entered into by the Trust prior to the date of the coming into operation of the State Housing Act Amendment Act, 1968, and in force on that date, except in the same manner or circumstances in which the Trust would have been so authorized but for the enactment of this section; or
- (b) requires the Commission to enter into any weekly tenancy, life tenancy or fee simple purchase agreement on the

same terms and conditions as were specified in the McNess Housing Trust Act, 1930-1965.

(4) The McNess Housing Trust Act, 1930-1965 is repealed. .

5. The principal Act is amended by substituting for the words, "three thousand pounds" where they occur in—

Ss. 26, 27, 31,
32A, 40, 47
and 49
amended.

- (a) lines three and four of the proviso to subsection (1) of section twenty-six;
 - (b) lines fourteen and fifteen of subparagraph (iii) of the proviso to paragraph (b) of section twenty-seven;
 - (c) the penultimate and last lines of subparagraph (iii) of paragraph (b) of subsection (2) of section thirty-one;
 - (d) lines two and three of subparagraph (ii) of paragraph (a) of subsection (1) of section thirty-two A;
 - (e) line five of the proviso to paragraph (b) of subsection (1) of section forty;
 - (f) lines four and five of subsection (2) of section forty-seven; and
 - (g) the penultimate and last lines of paragraph (b) of subsection (2) of section forty-nine,
- the words, "eight thousand dollars", in each case.

6. Subsection (2) of section sixty A of the principal Act is amended by substituting for the words, "eight thousand" where they occur in—

S. 60A
amended.

- (a) line two of paragraph (a);
 - (b) line three of paragraph (b); and
 - (c) line two of paragraph (c),
- the words, "ten thousand", in each case.
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