

Housing Legislation Amendment Bill 2005

Explanatory Notes for Amendment to be moved during consideration in detail by The Honourable Robert Swarten MP

Title of the Bill

Housing Legislation Amendment Bill 2005.

Objective of the Amendment

The objective of the amendment is to amend clauses 14 and 16 of the Bill in response to the report on the Bill by the Scrutiny of Legislation Committee in the Committee's Alert Digest No 10 of 2005. The Committee recommended that clause 14 of the Bill, which inserts a new section 5C in the *Housing (Freeholding of Land) Act 1957*, be amended to provide a cut-off date at which the provisions of Division 3 of the *Housing (Freeholding of Land) Act 1957* would automatically commence. As section 5C is currently drafted the automatic conversion of residential leases to freehold land will commence when prescribed by regulation, which must not be earlier than 1 July 2009.

It is proposed to amend section 5C (inserted by clause 14 of the Bill) to provide that the automatic freeholding provisions of Division 3 of the *Housing (Freeholding of Land) Act 1957* will commence on 1 July 2009.

Consistency with Fundamental Legislative Principles

The amendments to the Bill are consistent with the fundamental legislative principles as outlined in section 4 of the *Legislative Standards Act 1992*.

Notes on Provisions

Amendment of clause 14

Clause 14 is amended by deleting the provision in section 5C that the date of commencement of division 3 – automatic conversion of residential leases to freehold land – (the application day) is a date not before 1 July 2009 prescribed under a regulation and inserting a provision that the application day is 1 July 2009.

Amendment of clause 16

Clause 16 is amended as a consequence of the amendment to clause 14 by changing the reference to “section 5C(1)” to “section 5C”.