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Deputy Chief Parliamentary Counsel
Dated 31 January 2022



TASMANIA

HOMES ACT 1935

No. 98 of 1935

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HOMES ACT 1935

No. 98 of 1935

An Act relating to the provision of housing assistance to, and improving the housing conditions of, persons in this State, the provision of assistance to persons or bodies providing housing support services, and the undertaking of activities that are consistent with the achievement of those purposes

[Royal Assent 31 January 1936]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title

This Act may be cited as the *Homes Act 1935*.

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Part I – Preliminary

2. Purposes of Act

The purposes of this Act are –

- (a) to provide, or to enable the provision of, housing assistance to eligible persons; and
- (b) to assist in the provision of housing support services to eligible persons.

3. Interpretation

- (1) In this Act, unless the contrary intention appears –

advance means an advance under Part V;

applicant means an applicant for an advance or for the sale and transfer of a dwelling-house under section 17A;

borrower means a person who has obtained an advance;

building works includes the construction, structural alteration, repair, demolition, or maintenance (including the re-pointing, re-decoration, and external cleaning) of a building or structure, and the preparation for, and laying of, the foundations of a proposed building or structure;

capital cost, used in relation to a dwelling-house, includes such sum as the Director may determine to cover the cost, if any,

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of survey and subdivision, and the development, of the land on which the dwelling-house is erected (including the construction of streets) and any other costs incidental to the acquisition, subdivision, and development of the land and the erection of the dwelling-house, together with interest on all expenditure in connection with the land and dwelling-house up to the time of the completion of the dwelling-house;

contract of sale means a contract for the sale by the Director of a dwelling-house and land;

Director means the Director of Housing appointed pursuant to this Act;

dwelling-house includes –

- (a) a house and its appurtenances, necessary outbuildings, fences, and any facilities that enable electricity, telecommunications, gas, water-supply, drainage and sewerage services to be provided to the house; and
- (b) any unit, or apartment, that is used for the provision of residential accommodation, whether on a temporary basis or otherwise and any facilities that enable electricity, telecommunications, gas, water-

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supply, drainage and sewerage services to be provided to the unit or apartment; and

- (c) any land on which such a house, unit or apartment is situated and any common property, within the meaning of the *Strata Titles Act 1998*, in relation to such a unit or apartment;

eligible person means a person –

- (a) who is determined under subsection (3) to be an eligible person; or
- (b) who is a member of a class of persons that is prescribed for the purposes of this definition;

holding means land of which an applicant or borrower is the beneficial owner in fee simple in possession;

housing assistance means –

- (a) the provision to an eligible person of short-term accommodation in a dwelling-house; or
- (b) the sale of a dwelling-house to an eligible person; or
- (c) the lease of a dwelling-house to an eligible person; or

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-
- (d) the provision of financial assistance to, or on behalf of, an eligible person to enable the person to pay all or part of a bond or rent, or both, in relation to a dwelling-house; or
 - (e) the provision of financial assistance to an eligible person to enable the person to purchase, construct, alter, enlarge, repair or improve a dwelling-house;

housing provider means –

- (a) a person or body that constructs, alters, enlarges, repairs or improves dwelling-houses so that the dwelling-houses may be sold or leased to, or used to provide residential accommodation to, eligible persons, whether or not the person or body also constructs, alters, enlarges, repairs or improves dwelling-houses so that the dwelling-houses may be sold or leased to, or used to provide residential accommodation to, persons who are not eligible persons; and
- (b) a body corporate, a trust, or an entity of the Crown, the objects or purposes of which include the sale or lease of dwelling-houses to, or the provision of residential

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accommodation to, eligible persons, whether or not that body corporate, trust or entity also sells or leases, or provides residential accommodation to, persons who are not eligible persons;

housing support provider means a person or body that provides housing support services to eligible persons, whether or not that person or body also provides housing support services to persons who are not eligible persons;

housing support services means –

- (a) services, approved by the Director –
 - (i) that may enable or assist persons, including eligible persons, to obtain or remain in residential accommodation; or
 - (ii) that co-ordinate the provision to persons, including eligible persons, of services that may enable or assist persons to obtain or remain in residential accommodation; and
- (b) any class of services that is prescribed for the purposes of this definition;

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land includes any dwelling-house, or other structure, situated on the land, and vacant land;

plant includes any machine, tool, appliance, equipment, or building materials used, or designed for use, in or in connection with the carrying out of building works;

purchaser means a person who has purchased from the Director land or a dwelling-house;

Register has the same meaning as it has in the *Land Titles Act 1980*.

- (2) Where by this Act any remedy is given to the Director, against or with respect to any land, the expression “land” shall include not only the land but also all improvements thereon.
- (3) The Director may determine that a person, or a class of persons, is or are an eligible person or eligible persons.
- (4) The Director may only make a determination under subsection (3) in relation to a person, or a class of persons, if the Director is satisfied that the person, or a member of the class, is, or will be, in need of housing assistance under this Act because of particular circumstances or characteristics of –
 - (a) the person, or members of the class, (in this section referred to as the **assisted person**); or

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- (b) another person, or a member of another class of persons, (in this section referred to as the *associated person*) with whom the person or member of a class of persons resides or is to reside.
- (5) For the purposes of subsection (4), the Director must, in determining whether an assisted person is, or will be, in need of housing assistance, take into account the following:
 - (a) whether the assisted person, or any associated person, would only be able to obtain accommodation that will meet the reasonable accommodation requirements of the assisted person or the associated person if the housing assistance is provided to the assisted person;
 - (b) the health needs, or mobility needs, of the assisted person or any associated person;
 - (c) the safety of the assisted person or any associated person.
- (6) Nothing in subsection (5) is to be taken to limit the circumstances or characteristics, of a person or members of a class, that the Director may take into account in deciding whether to make a determination under subsection (3) in relation to a person or a class of persons.

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PART II – ADMINISTRATION: FUNDS

4. Administration

- (1) In the exercise of his or her functions under this Act the Director shall be subject to the directions of the Minister.
- (2)

5. Property to be held on behalf of the Crown

All land, money, and other property acquired, vested in, or held by the Director by or under, or for the purposes of, this Act, shall be held by the Director for and on behalf of the Crown.

6 - 6AA.

6A. Director of Housing

- (1) The Governor may appoint a State Service officer or State Service employee to be Director of Housing and that officer or employee is to hold that office in conjunction with State Service employment.
- (2)
- (3) The Director shall be a corporation sole by the name of the Director of Housing, and by that name shall have perpetual succession and a seal of office.

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s. 6AB

Part II – Administration: Funds

(3A) In addition to any other powers conferred under this Act, the Director may –

(a - b)

(c) undertake, or cause to be undertaken, housing research and policy development; and

(d) do all such acts and things as may be required or necessary or appropriate for exercising the powers given to the Director under this or any other Act.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the official seal of the Director that has been affixed to a document and shall, unless the contrary is proved, presume that the seal was properly affixed.

(5)

6AB. Delegation

(1) The Director may, by instrument in writing, delegate to a person who is specified in the instrument the performance or exercise of such of the Director's functions and powers under this Act or any other Act (other than this power of delegation and the power to borrow money) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

(2 - 6)

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s. 6B

6B. Purposes to be taken into account by Director

In performing a function, or exercising a power or duty, under this Act, the Director must, to the extent practicable given the financial and other constraints on the performance or exercise of those functions, powers or duties, take into account the following purposes of this Act:

- (a) to enable persons to reside in residential accommodation that is safe, secure, appropriate and affordable;
- (b) to promote, and enable, the provision of safe, secure, appropriate and affordable residential accommodation;
- (c) to provide housing assistance, and enable the provision of housing support services, so as to assist in the economic and social participation of persons who, without such provision, may be restricted, in whole or in part, from economic or social participation in society;
- (d) to encourage and enable the integration, into existing and new housing communities, of –
 - (i) persons with diverse characteristics and diverse financial, social and personal circumstances; and
 - (ii) residential accommodation that is owned or leased by such persons

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who reside in it or that is
provided to such persons by way
of housing assistance;

- (e) to ensure that housing assistance is, and that housing support services are, able to be, provided –
 - (i) to the persons most in need of such assistance and services; and
 - (ii) for the period that such assistance and services are required to be provided to those persons;
- (f) to encourage the development of flexible and innovative financial arrangements that facilitate the ownership, leasehold, or occupation, of residential accommodation by persons on low or moderate incomes;
- (g) to recognise and respect the wishes and needs of persons to whom housing assistance is to be provided, and those persons with whom they reside or are to reside;
- (h) to provide housing assistance, and assist in the provision of housing support services, in a manner that enables effective scrutiny of such provision and assistance.

7 - 7A.

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s. 7B

7B. Interest in respect of borrowed moneys to be paid to the Treasurer by the Director

- (1) The Director shall pay to the Treasurer interest at a rate to be determined by the Treasurer for each financial year in respect of the moneys borrowed by the Treasurer and applied in accordance with this Act for the purposes of the Director, or on such part of those moneys as has not been repaid to the Treasurer.
- (2) The interest to be paid by the Director under this section shall be paid quarterly on the last days of September, December, March, and June in each financial year.

7C. Accounts to be kept by the Director

In addition to any other accounts that the Director is required by this Act to keep, the Director shall keep such accounts, in such form, and containing such particulars, as the Treasurer may direct.

7D. Duty of Director to furnish information, &c., to Treasurer

The Director shall, as and when required by the Treasurer, furnish to the Treasurer such information, and produce to the Treasurer for examination such books, accounts, vouchers, and records, relating to the receipt and expenditure of moneys by the Director under or for the purposes of this Act, as the Treasurer may require.

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8. Borrowing from Treasurer

- (1) The Treasurer may lend to the Director, out of money provided by Parliament for the purpose, such money as the Treasurer considers appropriate for the performance of the functions and exercise of the powers of the Director under this Act and any such loan is subject to any conditions determined by the Treasurer.
- (2) An amount lent under subsection (1) and any interest payable in respect of the loan is a debt repayable by the Director to the Public Account.

8A. Borrowing from person other than Treasurer

- (1) The Director may borrow money with the approval of the Treasurer from a person other than the Treasurer for the purposes of performing the functions and exercising the powers of the Director under this Act.
- (2) The total of all amounts of money borrowed under this section during a financial year is not to exceed the maximum amount determined by the Treasurer, in writing, in respect of that financial year.
- (3) The Director may use all or part of his or her assets as security for money borrowed under subsection (1) and any interest or charges payable in respect of that borrowing.
- (4) If requested to do so by the Director, the Treasurer may guarantee the payment or repayment to a person from whom the Director

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s. 8B

borrows money under subsection (1) of any or all of the following:

- (a) the amount borrowed;
 - (b) any interest payable in respect of the amount borrowed;
 - (c) any charges relating to the borrowing;
 - (d) any expenses of that person incurred in relation to the borrowing and which are payable by the Director.
- (5) A guarantee is subject to any conditions determined by the Treasurer.
- (6) A payment or repayment which is required under a guarantee is payable from money provided by Parliament for the purpose.
- (7) If the Treasurer makes any payment or repayment under a guarantee, an amount equal to the amount so paid or repaid and any interest payable by the Director in accordance with the conditions to which the guarantee is subject is a debt repayable by the Director into the Public Account on the conditions and in the manner determined by the Treasurer.

8B. Financial arrangements

- (1) In this section, *financial arrangement* means –
- (a) an interest rate swap; or
 - (b) a forward interest rate agreement; or

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- (c) a futures contract or futures option, within the meaning of the Corporations Act, relating to an interest rate or a foreign currency; or
 - (d) an option in respect of an existing financial security or a security which the Director has authority to create; or
 - (e) any other transaction or arrangement that has been approved by the Treasurer in writing for the purposes of this section.
- (2) The Director may enter into and perform a financial arrangement in accordance with any guidelines in force under subsection (3).
- (3) The Treasurer may issue guidelines relating to financial arrangements or the exercise of the power of the Director to enter into and perform financial arrangements.

9. Guarantee of loans

- (1) The due repayment of money borrowed for the purposes of this Act by the Tasmanian Development Authority before the commencement of the *Homes (Sale of Mortgages) Act 1993*, and the payment of interest payable in respect of that money, are a charge on the revenue of the Authority from whatever source arising, and are, by virtue of this section, guaranteed by the State.

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-
- (2) The provisions of section 25 of the *Tasmanian Development Act 1983* apply to and in relation to a guarantee in force under subsection (1).
- (3) Any liability of the State arising under subsection (1) or (2) shall be payable out of the Public Account, and the amount of any such liability is, to the extent necessary, by virtue of this subsection, appropriated accordingly.

9AA.

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Part III – Acquisition of Land and Erection of Dwelling-Houses

**PART III – ACQUISITION OF LAND AND ERECTION
OF DWELLING-HOUSES**

9A - 10.

11. Power of Director to acquire land

- (1) The Director may acquire any land, including land containing buildings or other improvements, that is required for the purposes of this Act.
- (2) Where the Director acquires any land under this Act he or she may purchase or otherwise acquire any chattels on, or used in connection with, the land, and may use or dispose of any chattels so acquired in such manner as he or she thinks fit.
- (3) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Director under subsection (1).

11A. Purchase of easements, &c.

The Director may, for the purposes of this Act—

- (a) purchase any easement; and
- (b) obtain any covenant or licence touching and concerning other land—

which is usual and proper for the enjoyment of any land vested in him or her.

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12. Subdivision, &c., of land

- (1) The Director may cause a plan of subdivision to be made of any Crown land set apart for the purposes of this Act or of any land acquired by agreement for the purposes of this Act, showing the proposed roads and reserves and the land set apart as sites for dwelling-houses.
- (2) The Director may cause any work to be done on such land for the purpose of rendering it fit for the use to which it may be put under this Act.
- (3) The Director, with the consent of the Minister, may dedicate reserves for public recreation or for other public purposes, and fence, plant, and improve such reserves.

12A. Grant of easements, &c.

- (1) The Director may grant any easement or licence over any land vested in him or her which will not be inconsistent with the use of the land for the purposes of this Act.
- (2) The Director may covenant touching and concerning any lands vested in him or her with the owners of adjoining lands, or with purchasers, for the purpose of securing the better enjoyment for dwelling-houses of the lands vested in the Director.
- (3) The Director, with the consent of the Minister, may, except as otherwise provided in this Act, do all such acts in relation to any land vested in him or her as a prudent owner of a building

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Part III – Acquisition of Land and Erection of Dwelling-Houses

estate or subdivision would do, which are not inconsistent with the purposes of this Act.

13. Sale of dwelling-houses before the cost of subdivision is determined

- (1) Where a dwelling-house is erected by the Director on a lot in a subdivision, that dwelling-house, together with the lot on which it is erected, may be sold to an eligible person, notwithstanding that the cost of subdivision has not been finally determined.
- (2) For the purposes of this section, the purchase-price of a dwelling-house, together with the lot on which it is erected, shall be such sum as the Director certifies to be the best estimate of the capital cost thereof that can be made at the time of sale and that, in his or her opinion, should be sufficient to ensure that the sale does not result in a capital loss.

14. Power of Director to erect dwelling-houses

On any Crown land set apart under section 12 of the *Crown Lands Act 1976* or acquired for the purposes of this Act, or on the holding of an eligible person, the Director may erect dwelling-houses or may cause dwelling-houses to be erected, or may convert any buildings into dwelling-houses; and may alter, enlarge, repair, and improve such dwelling-houses.

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14A. Development of land for ancillary purposes

- (1) Where any land has become available or has been acquired for the purposes of this Act, the Director may take such steps as he or she considers necessary or desirable to promote or ensure the development or use of, or dealing in, the land in such a manner or for the purposes of this Act.
- (2) The powers of the Director under this section in relation to any land include powers –
 - (a) to erect, construct, alter, maintain, or use any buildings or works on the land;
 - (b) to develop, lay out, maintain, or use the land for any purpose; and
 - (c) to sell or lease, or enter into any other transactions in respect of, the land or any buildings or works thereon.
- (3)

14B. Power of Director, &c., to enter on lands

The Director, and any employee employed in the Department, and any other person authorized in that behalf by the Director, may at any time enter upon any Crown land set apart under section 12 of the *Crown Lands Act 1976* or land acquired for the purposes of this Act under or for the purposes of this Act, with the employees, agents, assistants, vehicles, plant and animals that he or she thinks fit and may, on that land, erect

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dwelling-houses and carry out any works that are required for the purposes of, or are incidental to, the subdivision and development of that land (including the construction of streets) and the erection of dwelling-houses thereon.

15.

15A. Power of Director to provide dwelling-houses for employees of public authorities and persons carrying on industrial undertakings

(1) Where the Director is satisfied that—

(a) a public authority; or

(b) a person who is carrying on or about to carry on an industrial undertaking—

permanently requires dwelling-houses for its or his or her employees, the Director, may, with the consent of the Minister, erect dwelling-houses and, notwithstanding anything in Part IV, sell or let them to that public authority or person upon such terms and conditions as the Minister may approve.

(2) For the purposes of this section, the provisions of this Part have effect as if for any reference therein to an eligible person there were substituted a reference to a public authority or person carrying on or about to carry on an industrial undertaking, and the powers conferred

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on the Director by those provisions may be exercised accordingly.

- (3) In this section, ***public authority*** means –
- (a) a person or body of persons, whether incorporated or unincorporated, appointed or constituted by or under any Act or Commonwealth Act, or appointed in the exercise of the prerogative rights of the Crown, to administer or control any department, business, or undertaking on behalf of the State or of the Commonwealth;
 - (b) a statutory authority appointed or constituted under any Act or Commonwealth Act to carry on any public industrial undertaking; and
 - (c) a council.

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s. 15AA

Part IIIA – Leasing and Sub-leasing of Dwelling-Houses

**PART IIIA – LEASING AND SUB-LEASING OF
DWELLING-HOUSES**

15AA. Leasing and sub-leasing by Director of dwelling-houses to eligible persons

- (1) Subject to this section, the Director may –
 - (a) lease to an eligible person any dwelling-house owned by the Director; and
 - (b) sub-lease to an eligible person any dwelling-house leased by the Director.
- (2) A dwelling-house that is leased, or sub-leased, to an eligible person by the Director in accordance with this section is to be leased, or sub-leased, to the eligible person on the terms and conditions that the Director thinks fit.
- (3) Despite the terms of a lease entered into by the Director and an eligible person, the Director may determine that the amount of rent payable by the eligible person under the lease is to be reduced as specified in the determination.
- (4) Despite the terms of a sub-lease entered into by the Director and an eligible person, the Director may determine that the amount of rent payable by the eligible person under the sub-lease is to be reduced as specified in the determination.

15AB. Director may subsidise rent and bonds payable by eligible persons

- (1) The Director may provide to –

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s. 15AC

- (a) an eligible person who leases or sub-leases, or who intends to lease or sub-lease, a dwelling-house; or
- (b) any housing provider, or other person, who leases out, or intends to lease out, a dwelling-house to an eligible person –

an amount or amounts for the purpose of paying all or part of, or paying all or part of by instalment, a bond, or rent, that is payable by the eligible person under the lease or sub-lease.

- (2) The Director may provide to a housing support provider an amount or amounts for the purpose of paying all or part of, or paying all or part of by instalment, a bond, or rent, that is payable by an eligible person under a lease or sub-lease in relation to a dwelling-house.

15AC. Director may let out dwelling-houses to housing providers or housing support providers

The Director may lease a dwelling-house, owned by the Director, to a housing provider, or a housing support provider, if the Director is satisfied that the provider intends to use the dwelling-house –

- (a) to sub-lease to eligible persons or to provide residential accommodation to eligible persons; or
- (b) to provide housing support services.

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Part IIIA – Leasing and Sub-leasing of Dwelling-Houses

15AD. Director may lease dwelling-houses

The Director may lease from any person, including an entity of the Crown, a dwelling-house for the purpose of enabling the Director to sub-lease the dwelling-house –

- (a) to an eligible person; or
- (b) to a housing provider for the purpose of enabling the provider to sub-lease the dwelling-house to, or to provide, or arrange for the provision of, residential accommodation to, an eligible person; or
- (c) to a housing support provider for the purpose of enabling the provider to provide housing support services.

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Part IV – Disposal of Dwelling-Houses to Eligible Persons

s. 15B

**PART IV – DISPOSAL OF DWELLING-HOUSES TO
ELIGIBLE PERSONS**

15B. Interpretation of Part IV

In this Part, unless the contrary intention appears
—

adjustment rate, in relation to a year, means,
subject to section 17AA(2), the rate
calculated in accordance with section
17AA for that year;

costs of administration means the costs
referred to in section 17(5)(b)(v);

March quarter, in relation to a year, means
January, February, and March of that
year;

year, for the purposes of calculating the
adjustment rate for a year, means —

- (a) the period of 12 months
commencing on 1 July 2004; or
- (b) a subsequent period of 12 months
commencing on 1 July.

16.

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Part IV – Disposal of Dwelling-Houses to Eligible Persons

17. Sale of land, whether or not dwelling-house situated on the land

(1) Subject to this Act, the Director may sell to any eligible person land or a share of or interest in land, whether or not there is a dwelling-house situated on the land, if such person or his or her spouse, if any, is not the owner of a dwelling-house within this State.

(1AA) For the purposes of subsection (1), a spouse includes the person with whom a person is in a significant relationship, within the meaning of the *Relationships Act 2003*.

(1A) A person who desires to purchase land or a share of or interest in land under subsection (1) shall make application in that behalf, as prescribed, to the Director.

(1B) On receipt of an application under subsection (1A) of this section, the Director, if he or she is satisfied that it is proper that the application be granted, may enter into a contract for the sale to the applicant, or to the applicant and any other eligible person stipulated by the applicant, in accordance with the provisions of this Part of the land or a share of or interest in the land.

(1C)

(2) The sale may be at such price and upon such terms and conditions as may be determined by the Director.

(3)

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-
- (4) If the Director so determines, land or a share of or interest in land may be sold under this section to an eligible person without a deposit.
- (5) The purchaser of land on which a dwelling-house is situated may occupy as a tenant the dwelling-house—
- (a) on such terms and conditions as the Director may determine; and
 - (b) at a rental determined by the Director which is sufficient to cover—
 - (i) interest at a rate to be determined by the Director (not exceeding the maximum annual rate of interest in respect of purchasers fixed by the Treasurer under section 28) on the capital cost of the dwelling-house less any deposit paid;
 - (ii) insurance and rates;
 - (iii) any repairs effected by or on behalf of the Director pursuant to section 30(2)(b);
 - (iv) a sum, to be determined by the Director, in reduction of the purchase-money; and
 - (v) subject to subsections (5B), (5C) and (5D), the costs of administration.

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Part IV – Disposal of Dwelling-Houses to Eligible Persons

- (5A) For the year commencing on 1 July 2004 (in this section referred to as “the new base year”), the costs of administration are to be \$156.00.
- (5AB) After the new base year, the costs of administration are to be adjusted annually in accordance with this Part.
- (5AC) Despite subsection (5AB), the Minister may determine that the costs of administration for any year after the new base year are to be the same as the costs of administration for the immediately preceding year.
- (5AD) A determination under subsection (5AC) is of no effect unless the Director is given written notice of it before the beginning of the year to which the determination applies.
- (5B) A purchaser under this section who claims that the imposition of a charge for costs of administration, or an increase in that charge, will cause him or her hardship shall—
 - (a) notify the Director of the purchaser’s claim; and
 - (b) provide the Director with a statutory declaration of the incomes of the residents of the land that the purchaser is purchasing under this section.
- (5C) Where the Director is satisfied, on the basis of a claim under subsection (5B), that hardship would be caused to a purchaser, the Director shall, subject to subsection (5D), grant an exemption from the payment of the charge or

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increase to which the claim relates, so that the total rental payable in respect of the land is–

- (a) not more than 25 per cent of the combined incomes of the residents; or
- (b) the rental payable immediately before the charge was imposed or increased–

whichever is the higher.

(5D) An exemption granted pursuant to subsection (5C) may be total or partial.

(6) Subject to this section, if the purchaser has complied to the satisfaction of the Director with the conditions contained in the contract of sale the Director, upon payment by the purchaser to the Director of all moneys owing to the Director under the contract of sale, may transfer land or a share of or interest in land to the purchaser.

(6A - 6D)

(7) For the purposes of this section, the amount standing to the credit of the purchaser by way of deposits paid in pursuance of section 29(2), and of interest accumulated thereon, shall be deemed to be money paid in reduction of the purchase-money.

(7A - 7D)

(8) Subject to this Act, the cost and expenses of any transfer or mortgage executed in pursuance of this section shall be borne by the purchaser.

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17AA. Calculation of adjustment rate

- (1) For the purposes of the definition of *adjustment rate* in section 15B, the rate for a year shall be the ratio between the Consumer Price Index: All Groups Index for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth for the March quarter of that year and the Consumer Price Index: All Groups Index for Hobart for the March quarter of the previous year.
- (2) Where the rate for a year calculated in accordance with this section is 1 there shall be deemed to be no adjustment rate for that year.
- (3) Where pursuant to subsection (2) there is deemed to be no adjustment rate for a year, then, for the purposes of calculating the adjustment rate for the next year, the Consumer Price Index: All Groups Index for Hobart for the March quarter of the last year for which there was an adjustment rate shall be deemed also to be the Consumer Price Index: All Groups Index for Hobart for the March quarter of the first-mentioned year.
- (4) If at any time, whether before or after the commencement of this section, the Australian Statistician has published for the March quarter of a year an index in substitution for the Consumer Price Index: All Groups Index for Hobart for the March quarter previously published by him or her in respect of that year—

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- (a) if the Minister so directs, regard shall be had to the later index; or
- (b) if the Minister does not so direct, the publication of the later index shall be disregarded—

for the purposes of this section.

17AB. Adjustment of costs of administration

- (1) Where there is an adjustment rate for a year, the amount specified in section 17(5A) is adjusted, in relation to a contract of sale under section 17, by virtue of this section, on and from a date to be determined by the Director in respect of that contract, that date being not later than 31 December of that year, by that rate.
- (2) Where an amount adjusted under subsection (1) comprises, in addition to a number of dollars, a number of cents that is not a multiple of 5, that number of cents shall be reckoned as the next higher number that is a multiple of 5.

17AC. Director to notify adjustment in *Gazette*

Where there is an adjustment rate for a year, the Director shall, before 1 August of that year, publish in the *Gazette* a notice of the amount payable in respect of costs of administration as a consequence of the adjustment made by the operation of section 17AB.

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Part IV – Disposal of Dwelling-Houses to Eligible Persons

17A. Sale by Director subject to mortgage

- (1) Notwithstanding anything contained in section 17, in any case in which the Director may enter into a contract of sale to an applicant as provided by that section, he or she may, on application being made under this section, sell and transfer land or a share of or interest in land.
- (2) A person who desires to purchase under this section land or a share of or interest in land shall apply in that behalf, as prescribed, to the Director.
- (3) A contract of sale under this section shall be with the applicant as the purchaser or, if the purchaser so stipulates in his or her application, with the applicant and any eligible person so stipulated and, in the latter case, the transfer in accordance with the contract shall be to the applicant and that person as joint tenants.
- (3A) If the Director determines to sell or transfer land or a share of or interest in land to an applicant, the Director may require the applicant to provide to the Director the security that the Director thinks fit.
- (4) Without limiting the generality of subsection (3A), if the Director determines to sell and transfer land or a share of or interest in land to an applicant, the Director may require the applicant to—
 - (a) pay to the Director as a deposit a sum being at least five per cent of the total purchase-price; and

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- (b) execute in favour of the Director a memorandum of mortgage for the balance of any money unpaid and due under the contract of sale and for the payment of the interest payable on that balance by combined instalments.
- (5) Subject to section 17B(4), the annual rate of interest to be charged to a purchaser under subsection (4), and the amounts of the monthly or quarterly instalments of principal and interest combined shall be fixed in accordance with the fixed rate and the fixed table, within the meaning of section 28, at the time when the purchase is made.
- (6) For the purposes of subsection (4)(b), it is not necessary for a mortgage to be a first mortgage.

17B. Contract of sale subject to mortgage

- (1) A person specified in a contract of sale under section 17 as the purchaser may apply to the Director, as provided by section 17A, to purchase under that section the land, or the share of or interest in the land, to which that contract relates.
- (2) Where an applicant is specified alone in a contract under section 17 as the purchaser, a contract of sale in pursuance of his or her application under section 17A, as provided by this section, may be with the applicant alone or, if the applicant so stipulates in his or her application, with the applicant and any eligible person so stipulated and, in the latter case, the

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transfer in accordance with the contract shall be to the applicant and that person as joint tenants.

- (3) Section 17A(4) shall, in any case where an application under section 17(1A) is made as provided by this section, be, in relation to a person to whom section 17A(4) applies, read as modified to the extent that—
- (a) the deposit referred to in paragraph (a) of section 17A(4) shall be reduced by the amount that the purchase-price specified in the contract of sale under section 17 has been paid, together with the deposits (if any) paid under section 29 and the interest thereon;
 - (b) if the amounts paid in reduction of the purchase-price so specified together with those deposits and interest exceed five per cent of that purchase-price, then the total of those amounts, and those deposits, and that interest, shall constitute the deposit; and
 - (c) if the outstanding liability of the purchaser by virtue of the contract of sale under section 17 does not exceed ninety per cent of the then current market value as assessed by the Director, then an amount representing the difference between that liability and that market value shall constitute the deposit—

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and the total purchase-price shall be the price specified in the contract of sale entered into under section 17.

- (4) The annual rate of interest to be charged to a purchaser under section 17A to whom section 17A(4) applies, being a purchaser as provided by this section, and the amounts of the fortnightly, monthly, or quarterly instalments of principal and interest combined, shall be so fixed that the maximum annual rate of interest charged as provided by the contract of sale under section 17 shall at no time be exceeded.

18. Sale of land in certain cases

- (1) In any case in which an eligible person applies to the Director for a piece of land held under or for the purposes of this Act and satisfies the Director that the same is required for the purpose of the erection thereon of a home for such person, and that the officer administering the *War Service Homes Act 1918-1956* of the Commonwealth in this State has consented to assist such person therein, under the provisions of that Act, the Director may sell such land to such person or, at the officer's request, to the Commissioner of War Service Homes under that Act.
- (2) The provisions of section 17, so far as they are applicable and with the necessary adaptations, shall apply to and in respect of the sale of land by the Director under this section as if the land were land contracted to be sold by the Director under that section.

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**PART IVA – SALE OR TRANSFER OF LAND FOR
PROVISION OF DWELLING-HOUSES BY HOUSING
PROVIDERS**

18A. Interpretation of Part IVA

In this Part –

associated land, in relation to a housing provider, means any land that –

- (a) is not sold or transferred by the Director to the provider; and
- (b) is, by the terms and conditions of a contract, or arrangement under section 18G, under which other land is sold or transferred to the provider by the Director under this Part, required to be –
 - (i) leased to, or for the provision of residential accommodation to, eligible persons; or
 - (ii) sold to an eligible person; or
 - (iii) used for the construction, alteration, enlargement, repair or improvement, of dwelling-houses that are, or are to be, situated on the land, so that the

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dwelling-houses may be
leased or sold to, or used
for the provision of
residential
accommodation to,
eligible persons.

18AA. Sale or transfer of land to housing providers

- (1) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the provider to –
- (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on the land or associated land; or
 - (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on the land or associated land; or
 - (c) sell to eligible persons, or arrange for the sale to eligible persons of, dwelling-houses that are situated on the land or associated land; or
 - (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that

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are, or are to be, situated on the land or associated land, so that the dwelling-houses may be leased or sold to, or used to provide residential accommodation to, eligible persons –

whether or not other dwelling-houses that are, or are to be, situated on the land or associated land may also be leased or sold to, or used to provide residential accommodation to, persons who are not eligible persons.

- (2) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the land to be used by the provider as security to raise finance to enable the provider to –
- (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on any land or associated land; or
 - (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on any land or associated land; or
 - (c) sell to eligible persons, or arrange for the sale to eligible persons of, dwelling-houses that are situated on any land or associated land; or

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- (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that are, or are to be, situated on any land or associated land, so that the dwelling-houses may be leased or sold to, or used to provide residential accommodation to, eligible persons –

whether or not the funds so raised may also be used to provide other dwelling-houses for sale to, or for the residential accommodation of, persons who are not eligible persons.

- (3) The Director may, with the approval of the Minister, sell or transfer land to a housing provider for the purpose of enabling the land to be sold or leased to any person to provide funds to enable the provider to –

- (a) lease to eligible persons, or arrange for the lease to eligible persons of, dwelling-houses that are situated on any land or associated land; or
- (b) provide for the residential accommodation of, or arrange for the provision for the residential accommodation of, eligible persons, dwelling-houses that are situated on any land or associated land; or
- (c) sell to eligible persons, or arrange for the sale to eligible persons of, dwelling-

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houses that are situated on any land or associated land; or

- (d) construct, alter, enlarge, repair or improve, or arrange for the construction, alteration, enlargement, repair or improvement of, dwelling-houses that are, or are to be, situated on any land or associated land, so that the dwelling-houses may be leased or sold to, or used to provide residential accommodation to, eligible persons –

whether or not the funds so raised may also be used to provide other dwelling-houses for sale to, or for the residential accommodation of, persons who are not eligible persons.

18AB. Sale or transfer of land to housing support providers

- (1) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the provider to provide housing support services to eligible persons, whether or not the provider also provides housing support services to persons who are not eligible persons.
- (2) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the land to be used by the provider as security to raise finance to enable the provider to provide housing support services to eligible persons,

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whether or not the provider also provides housing support services to persons who are not eligible persons.

- (3) The Director may, with the approval of the Minister, sell or transfer land to a housing support provider for the purpose of enabling the land to be sold or leased by the provider to any person so as to provide funds to the provider to enable the provider to provide housing support services to eligible persons, whether or not the provider also provides housing support services to persons who are not eligible persons.

18AC. Terms and conditions of sale or transfer of land under this Part

- (1) Subject to this Act –
- (a) a sale of land under this Part is to be at the price, and on the terms and conditions, that the Director determines; and
 - (b) a transfer, other than by sale, of land under this Part is to be on the terms and conditions that the Director determines.
- (2) The terms and conditions are to be determined for the purposes of subsection (1) by the Director in the contract for sale or the transfer of the land, or as part of an arrangement under section 18G in relation to the land, to which the terms and conditions relate.

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- (3) Despite subsection (2), the Director must, if required by a direction under subsection (4), ensure that the terms and conditions determined by the Director under subsection (2) must include, or be constituted by, as the case may be, and in any case be consistent with, any terms or conditions that the Director is directed to determine in accordance with subsection (4).
- (4) The Minister may direct the Director as to the terms and conditions for the purposes of subsection (1) that the Director is to include –
 - (a) in a particular contract for sale or transfer, or all contracts or transfers of land; or
 - (b) in a particular arrangement, or all arrangements, under section 18G.
- (5) The terms and conditions determined by the Director for the purposes of subsection (1), or included by the Minister in a direction under subsection (4), in relation to land must include terms and conditions that are, in his or her opinion, reasonably necessary to ensure that –
 - (a) all or part of the land is used for the purpose for which it is sold or transferred; and
 - (b) all or part of any associated land is used to enable dwelling-houses situated on the land to be sold or leased to eligible persons or used to provide residential accommodation to eligible persons.

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- (6) Without limiting the generality of subsection (5), the terms and conditions may include terms or conditions designed to effect all or any of the following purposes:
- (a) restricting, during a specified period, dealings in all or part of the land and all or part of any associated land;
 - (b) requiring the construction, alteration, enlargement, repair or improvement, or the commencement of the construction, alteration, enlargement, repair or improvement, during a specified period, of dwelling-houses on all or part of the land or on all or part of any associated land.

18B. Enforcement of restriction on transfers, &c., of land sold

- (1) If land is sold or transferred by the Director in pursuance of a contract entered into by the Director for the purposes of this Part, or is associated land pursuant to such a contract or an arrangement entered into under section 18G, the Director may lodge with the Recorder a notification specifying –
- (a) that the land, or the associated land, is subject to this section; and
 - (b) the period, of not less than 5 years, and not more than 30 years, after the notification, for which the land, or the

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associated land, is to be subject to this section.

- (2) A notification under this section shall contain particulars of the title of the land to which it relates and such other particulars as may be prescribed under the *Land Titles Act 1980* and is of no effect unless there is lodged with the Recorder the certificate of title, if any, of the land.
- (3) Regulations may be made under the *Land Titles Act 1980* for the purposes of subsection (2).
- (4) The Recorder shall register a notification lodged with the Recorder under this section by recording the notification on the folio of the Register constituting the title to which the notification relates and the period, specified in the notification, for which the land is to be subject to this section.
- (5) Where, in respect of a transfer of land by the Director, a notification is lodged with the Recorder under subsection (1), no transaction entered into without the consent of the Director during the period, specified in the notification, for which the land is to be subject to this section, is capable of taking effect unless—
 - (a) it arises through the operation of the law relating to bankruptcy;
 - (b) it is made by a person acting in the capacity of legal personal representative of the person or one of the persons to

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-
- whom the land was transferred by the
Director;
- (c) it is made by a mortgagee in the exercise of his or her rights as mortgagee; or
 - (d) it is made in the execution of a judgment or order of a court.
- (6) Unless the Recorder is otherwise directed by an order of the Supreme Court, the Recorder–
- (a) shall not register such a transaction as is referred to in subsection (5)(c) if the Director has certified to the Recorder that the Director is of the opinion that the transaction results from collusion between the mortgagor and mortgagee; and
 - (b) shall not register such a transaction as is referred to in subsection (5)(d) if the Director has certified to the Recorder that the Director is of the opinion that the judgment or order enforced by the execution was obtained as a result of collusion between the parties to the proceedings in which the judgment or order was given.
- (7) The Supreme Court may make an order directing the registration of a transaction to which subsection (6) applies if it is satisfied that there are not sufficient grounds for the opinion of the Director certified to the Recorder for the purposes of that subsection in respect of the

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transaction; and the transaction is not capable of taking effect unless the court so orders.

- (8) A notification lodged with the Recorder under this section remains in effect so long only as the person or one of the persons to whom the land was transferred by the Director remains registered as proprietor of the land.
- (9) If in the circumstances of a particular case the Director considers that a notification lodged with the Recorder under this section should cease to be of further effect, the Director may lodge with the Recorder a notice withdrawing that notification, and, on that notice being so lodged, the notification ceases to be of further effect.
- (10) On a notice being lodged with him or her under subsection (9) the Recorder shall cancel the registration of the notification to which it relates on the folio of the Register, under the *Land Titles Act 1980*, for the land and may make a corresponding recording on the certificate of title, if any, of the land, if it is produced to the Recorder.
- (11) In registering or cancelling the registration of a notification under this section the Recorder is entitled to assume that the Director is acting within the powers conferred on the Director by this section.
- (12) No fee is payable to the Recorder for registering or cancelling the registration of a notification under this section.

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(13) In this section –

Recorder means the Recorder of Titles;

transaction, in relation to any land, means any
transfer or transmission of the fee simple
in the land –

and, unless the contrary intention appears, the
expressions used in this section have the same
meaning as they have for the purposes of the
Land Titles Act 1980.

PART IVB – GUARANTEE

18C. Guarantee by Treasurer

- (1) The Treasurer may execute a guarantee guaranteeing the repayment of any loan to be made by a person to a third person lending money for housing purposes to that third person or to another person.
- (2) A guarantee given by the Treasurer under subsection (1) –
 - (a) shall be in such form and subject to such terms and conditions as are prescribed and such other terms and conditions as the Treasurer thinks fit; and
 - (b) shall not be enforceable against the Treasurer unless the person making the loan has, to the Treasurer's satisfaction, exercised that person's rights and remedies under all securities held by or for that person in respect of the loan and interest charges and expenses.
- (3) Such sums as may from time to time become due and payable by the Treasurer under any guarantee authorized by this section shall be paid out of the Public Account, which is hereby to the necessary extent appropriated accordingly.

18D. Guarantee and indemnity by Treasurer

- (1) The Treasurer may execute a guarantee, in favour of any person guaranteeing the repayment

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s. 18E

of any amount borrowed for the purposes of this Act other than a loan referred to in section 8 or 18C(1).

- (2) The Treasurer may provide an indemnity in favour of any person and in respect of any liability approved by the Director where that liability is incurred in the carrying out of the objects of this Act or in achieving its purposes.
- (3) A guarantee executed or an indemnity provided by the Treasurer under subsection (1) or (2) is subject to any terms and conditions that the Treasurer thinks fit.
- (4) Any amounts that from time to time become due and payable under a guarantee or an indemnity authorized by this section shall be paid out of the Public Account which is hereby to the necessary extent appropriated accordingly.

18E. Guarantee subject to security, &c.

- (1) Before a guarantee is given under section 18C or 18D, the borrower shall, if the Treasurer so requires, give to the Treasurer such security as the Treasurer may specify and shall execute such instruments as may be necessary for the purpose.
- (2) A guarantee under section 18C or 18D operates so as to guarantee –
 - (a) the repayment of money lent, or agreed to be lent, to the borrower; and

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Part IVB – Guarantee

- (b) the payment of interest and other charges
in respect of that money –

only to the extent that the aggregate of those
amounts does not exceed \$3 000 000.

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Part IVC – Grants and Arrangements

s. 18F

PART IVC – GRANTS AND ARRANGEMENTS

18F. Grants to housing providers or housing support providers

- (1) The Director, with the approval of the Minister, may grant, from the funds of the Director, money to a housing provider or a housing support provider.
- (2) The Director may not grant money to a housing provider, or a housing support provider, under subsection (1) unless the Director is satisfied that the provider intends to use the money –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (3) A grant of money to a housing provider, or a housing support provider, under subsection (1) is to be on the terms and conditions specified in the grant.
- (4) If at any time, in the opinion of the Director, any money granted under this Part has not been applied for the purpose for which it was granted, or has not been carefully and economically expended, the Director, with the approval of the Minister, may refuse to pay any further instalment of the proposed grant.

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Part IVC – Grants and Arrangements

18G. Arrangements with housing providers and housing support providers

- (1) The Director may enter into, with a housing provider or a housing support provider, an arrangement under which the Director agrees to exercise a power of the Director under another section of this Act.
- (2) The Director may not enter into an arrangement under subsection (1) with a housing provider, or a housing support provider, unless the Director is satisfied that the provider intends, in accordance with the arrangement –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (3) An arrangement under subsection (1) with a housing provider, or a housing support provider, is to be on the terms and conditions specified in the arrangement, including terms and conditions included in accordance with section 18AC.
- (4) If at any time, in the opinion of the Director, a housing provider, or a housing support provider, has not complied with the terms or conditions of an arrangement under this section, the Director may refuse to carry out any further obligations of the Director under the arrangement.

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Part V – Advances by Director

s. 19

PART V – ADVANCES BY DIRECTOR

19. Advances for homes

- (1) Subject to this Act the Director may make advances to any eligible person on a security, if any, satisfactory to the Director for the purpose of enabling the eligible person–
- (a) to erect, as a home for the eligible person and his or her dependants, a dwelling-house on the eligible person's holding;
 - (b) to purchase land and erect a dwelling-house thereon;
 - (c) to purchase a dwelling-house, together with the land on which it is erected, or which is occupied therewith, as a home for the eligible person and his or her dependants or to alter, enlarge, repair, or improve such dwelling-house;
 - (d) to complete a partially-erected dwelling-house owned by the eligible person;
 - (e) to enlarge a dwelling-house owned by the eligible person;
 - (f) to discharge any mortgage, charge, or incumbrance already existing on the eligible person's holding; or
 - (g) to defray the cost of any work which the Director has caused to be done on the holding of such person under the provisions of section 30.

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Part V – Advances by Director

- (2)
- (3) Any advance may be made by instalments and subject to such conditions as are prescribed.
- (4) If the advance is for any of the purposes mentioned in subsection (1) hereof, other than those mentioned in paragraphs (c) and (f), then –
 - (a) an instalment of such advance may be made before the building is commenced, provided that the total of the amounts so advanced shall not exceed four-fifths of the fair estimated value of the applicant's estate or interest in the holding and the permanent improvements thereon;
 - (b) the total of the amounts advanced up to any given time shall not exceed the value of the progress theretofore made with the building, as certified in writing by a valuer to the satisfaction of the Director, in addition to the amount, if any, advanced as provided for by paragraph (a) of this subsection.

19A. Advances to municipal councils

- (1) The Director, with the approval of the Treasurer, may make an advance to a council for the purpose of enabling the council to carry out, on land set apart or acquired for the purposes of this Act, work that appears to the Director to be necessary for the purpose of rendering such land fit for the use to which it may be put under this Act.

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Part V – Advances by Director

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-
- (2) An advance may only be made under subsection (1) if the Treasurer is satisfied that the council does not have sufficient funds available for carrying out the work for which the advance is to be made.
 - (3) Every advance under this section is to be repayable on the terms, and subject to the conditions, as are agreed upon between the Director and the council.

19B. Advances to housing providers and housing support providers

- (1) The Director may make an advance to a housing provider, or a housing support provider, for the purpose of enabling the provider –
 - (a) to sell or lease dwelling-houses to persons, or to provide residential accommodation to persons, some or all of whom are eligible persons; or
 - (b) to provide housing support services to persons, some or all of whom are eligible persons.
- (2) Every advance under this section is to be repayable on the terms, and subject to the conditions, as are agreed upon between the Director and the housing provider or housing support provider.

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Part V – Advances by Director

20. Application for advance

- (1) A person may, in a form approved by the Director, apply for an advance under this Part.
- (2) The applicant shall lodge with his or her application a statutory declaration in the prescribed form setting forth—
 - (a) the purposes to which the advance is to be applied;
 - (b - c)
- (3) Every such application shall be supported by such evidence as the Director may think necessary.
- (4) Where any such application is made for the purpose of erecting, completing, or enlarging a dwelling-house, the applicant shall satisfy the Director before such advance is made –
 - (a) that the dwelling-house when so erected, completed, or enlarged, will be substantial and durable; and
 - (b) that the plans and specifications for the proposed work comply with the prescribed conditions and the requirements of the Director.
- (5) The Director may refuse any application in relation to which the Director is not satisfied that the applicant has complied with all the prescribed conditions.

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Part V – Advances by Director

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21. Advances by instalments

- (1) If at any time, in the opinion of the Director, any money advanced under this Part has not been applied for the purpose for which it was advanced, or has not been carefully and economically expended, the Director may refuse to pay any further instalment of the proposed advance, and may, by notice in writing, at once call in the whole or part of the amount already advanced.
- (2) If the Director in pursuance of this section calls in the whole or part of the amount advanced, the borrower shall forthwith repay the same, and in default the Director shall have the same remedies for the recovery of the amount called in, or such part thereof as remains unpaid, as are provided by this Act for the recovery of sums payable by the borrower.

22. Security for advances

- (1) The Director may require a borrower to provide the security (which may be, but is not required to be, a security consisting of a mortgage) if any, that the Director thinks fit.
- (2) The provisions of the *Personal Property Securities Act 2009* of the Commonwealth do not apply to any mortgage or other security executed under the provisions of this Act, or affect the validity of any such mortgage or security in respect of any chattels forming all or part of the security.

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Part V – Advances by Director

23.

24. How advances repayable

- (1) Repayment of an advance shall be made in monthly or quarterly instalments in accordance with the mortgage executed at the time of the advance or the terms and conditions of the advance: Provided that in no case shall the period over which such instalments are repayable exceed fifty-three years.
- (2) Every such instalment shall consist partly of principal and partly of interest, and every such instalment shall, in respect of each two hundred dollars thereof, be of the amount set forth opposite to the term for which the advance is made in the fixed table which is in force at the time when the advance is made and is applicable to the case, and in respect of any part of two hundred dollars shall be of an amount proportionate to the amount set forth.

25. Provisions relating to advances

With respect to every advance under this Part the following provisions shall apply:

- (a) The advance, if made in one sum, shall date as from the first day of the month next following that in which it is made, and, if made by instalments, shall date as from the first day of the month next

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following that in which the final instalment is made;

- (b) Interest at the fixed rate per annum shall be paid on the advance or each instalment thereof, computed from the date when the advance or instalment is made;
- (c) If the advance is made in one sum, interest at the fixed rate per annum computed from the date when the same is made to the first day of the next following month, shall be paid to, or may be deducted by, the Director at the time when the advance is made;
- (d) If the advance is made by instalments, then, until and including the first day of the month next following after that in which the final instalment is made, interest at the fixed rate per annum shall be paid to the Director on the first day of each month on all instalments theretofore made, computed from the dates of making the same respectively; or such interest may be deducted by the Director from any instalment of the advance;
- (e) After the first day of the month next following that in which the advance or the final instalment thereof is made, the principal, with interest thereon as provided by paragraph (b) hereof, shall be repaid to the Director by instalments

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as agreed between the Director and the
borrower.

26.

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Part VI – Conditions of Contracts of sale and Advances

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**PART VI – CONDITIONS OF CONTRACTS OF SALE
AND ADVANCES**

27.

27A. Director may refuse to enter into contract, &c.

(1) The Director may refuse –

- (a) to enter into a contract for the sale to an eligible person of any land or land and dwelling-house; and
- (b) to make an advance to an applicant under this Act; and
- (c) to make a grant, or enter into an arrangement, with any person under Part IVC.

(2) A decision of the Director under this section is final.

28. Power of Treasurer to fix or annul rate of interest or table of instalments

(1) The Treasurer, by notice published in the *Gazette*, may fix –

- (a) the maximum annual rate of interest to be charged to any purchaser in respect of any purchase-money in accordance with this Act;

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- (b) the annual rate of interest to be charged to any borrower in respect of any advance in accordance with this Act; and
- (c) tables of the amounts of the monthly or quarterly instalments of principal and interest combined to be paid by borrowers in respect of advances under this Act, showing the amounts payable for the various terms of years during which repayment of an advance may be made –

and may, in the same manner, annul any rate or table so fixed.

- (2) Any rate or table so fixed shall come into force on the fourteenth day after the date of the *Gazette* in which the same is published, and shall continue in force until the fourteenth day after the date of the *Gazette* in which the notice annulling the same is published.

- (3) In this Act the expression

the fixed rate means the rate fixed as provided by this section which is in force at the time when the purchase or advance in question is made, and the expression *fixed table* means a table fixed as provided by this section.

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28A. Power of Treasurer to authorize variable interest rates

Notwithstanding any other provision of this Act, the Treasurer may, by instrument in writing and subject to such terms and conditions as may be specified in that instrument, authorize the Director, or another person, to provide for the payment of interest in a mortgage under this Act at a rate which may be varied from time to time at the discretion of the Director.

29. Purchaser or borrower to pay amounts on account

- (1) In addition to making any payment in accordance with his contract, the purchaser or borrower may deposit with the Director any sum being not less than ten dollars, and being either ten dollars or a multiple of ten dollars, and any sum so deposited shall be credited to the purchaser or borrower with compound interest calculated yearly at the same rate as is charged on the purchase-money or advance.
- (2) Deposits and interest accumulated to the credit of a purchaser or borrower under this section shall be available for payment of any instalments or arrears of instalments, or other payments due to the Director by the purchaser or borrower.

30. Property to be kept in repair until payment in full

- (1) Every purchaser and every borrower shall, until the whole amount of purchase-money or advance due by him or her has been paid or repaid, insure

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and keep in good and tenantable repair, to the satisfaction of the Director, all buildings, fences, fixtures, and improvements upon the land comprised in contract of sale, mortgage, or other security.

- (2) If after the expiration of one month's notice in writing by the Director, any purchaser or borrower has not complied with the requirements of this section –
- (a) the Director or any person authorized by the Director in that behalf may enter and take possession of the land or land and dwelling-house, as the case may be, and the like consequences shall follow as are provided by section 35 in case of breach of the terms or conditions of the contract of sale, mortgage, or other security, or default made in the payment of any instalment of money payable in respect of any contract of sale or advance under this Act; or
 - (b) the Director, or any person authorized by the Director in that behalf, may enter upon the property and effect all repairs which the Director deems necessary; and the expenses thereby incurred, with interest at the same annual rate as that which is payable on the purchase-money or advance, as the case may be, shall be paid to the Director by the purchaser or borrower on demand, and, until repayment, shall be a charge under the contract of sale or mortgage or other

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security upon the property,
notwithstanding that the amount of the
purchase-money or advance is thereby
increased to more than the amount of the
maximum cost or advance, as the case
may be, applicable in respect of that
property under the foregoing provisions
of this Act.

- (3) Notwithstanding the provisions of subsection (1), the Director may insure and keep insured all buildings, fences, fixtures, and improvements upon any land referred to in that subsection and may collect the amount required for the payment of such insurance from the purchaser or borrower by way of the imposition of a charge as a component of the cost of rental charged by the Director pursuant to section 17(5)(b)(ii).

31. Disposal without consent

- (1) As between the Director and the purchaser or borrower with respect to the land or land and dwelling-house forming the subject of a contract of sale, mortgage, or other security, the following condition shall be imposed, so long as any money due to the Director under the contract of sale, mortgage, or other security remains unpaid, namely:
- (a) The land or land and dwelling-house, as the case may be, shall not be sold, let, sublet, mortgaged or otherwise charged or disposed of by the purchaser or

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borrower without the consent in writing of the Director; and

(b) Every sale, lease, sublease, mortgage, charge, or agreement entered into or made in contravention of the provisions of this section shall be void and of no effect.

(2) If the purchaser or borrower sells, lets, sublets, mortgages or otherwise charges or disposes of the land or land and dwelling-house, or any part thereof, in contravention of the provisions of this section, the Director may –

(a) in the case of a purchaser, cancel the contract of sale, and, in the discretion of the Director, forfeit the instalments previously paid by the purchaser; and

(b) in the case of a purchaser as provided by section 17A or a borrower sell the estate and interest of the borrower in the land or land and dwelling-house.

32. Sale where borrower bankrupt

When the borrower's title to any land or land and dwelling-house, over which the Director holds a mortgage in pursuance of this Act, is divested from the borrower under any law relating to bankruptcy, the Director may cause the borrower's estate and interest in the land or land and dwelling-house to be sold at such time and place, in such manner and on such terms and conditions as the Director thinks fit.

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33. Application of section 35 to sales under sections 31 and 32

The provisions of section 35 as to the sale of any land or of land and a dwelling-house and the application of the proceeds of the sale shall apply to any sale made in pursuance of sections 31 and 32.

34. Land, &c., not to be transferred while subject to mortgage, &c.

- (1) So long as any land or land and dwelling-house is subject to a contract of sale, mortgage, or other security in accordance with this Act, a transfer of that land or land and dwelling-house, or of any estate or interest therein, shall not have any force or effect, nor shall it be registered in the Land Titles Office or Registry of Deeds, unless it –
 - (a) arises through the operation of any law relating to bankruptcy;
 - (b) is made to a devisee by a person acting in the capacity of executor or administrator of the purchaser or borrower; or
 - (c) is made with the consent in writing of the Director.
- (2) Consent to the transfer of land or of land and dwelling-house, or of any estate or interest therein, shall not be granted by the Director in pursuance of this section, except in the following cases and subject to the following conditions:

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- (a) Where the proposed transferee is an eligible person – such conditions as the Director shall determine; and
- (b) Where the proposed transferee is not an eligible person –
 - (i) in the case of a transfer within five years after the sale and transfer or the making of the advance – where it is proved to the satisfaction of the Director that the refusal thereof would inflict great hardship; and
 - (ii) in the case of a transfer after the sale and transfer or the expiration of five years after the making of the advance – such conditions as the Director shall determine.
- (3) In dealing with applications for consent to any transfer, the Director shall, as between two alternative transferees, one of whom is an eligible person and the other is not, give preference, as far as reasonably practicable, to the former.
- (4) In this section
transfer includes conveyance, assignment, and surrender.

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35. Remedies for recovery of instalments

- (1) In addition and without prejudice to any other remedy, if at any time any instalment or money payable in respect of any contract of sale or advance under this Act, or any part thereof, is unpaid for thirty days next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Director may enter upon the land or land and dwelling-house with respect to which the contract of sale was entered into or the advance was made, and recover the amount due by distress and sale of any goods and chattels on such land or land and dwelling-house, or such amount may be recovered in any court of competent jurisdiction by action, in the name of the Director, from the owner of such land or land and dwelling-house.
- (2) If at any time any instalment, or any part thereof, is unpaid for one month next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Director may enter upon and take possession of the land or land and dwelling-house with respect to which the contract of sale was entered into or the advance has been made, and may –
 - (a) in the case of a purchaser, cancel the contract of sale and, in the discretion of the Director, forfeit the deposits and instalments or any part thereof previously paid by the purchaser; and

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- (b) in the case of a borrower, or in the case of a purchaser who has obtained from the Director a transfer and executed a mortgage to the Director of such land or land and dwelling-house, sell the estate and interest of the borrower therein, either by private sale or public tender or auction, and subject to such terms and conditions of sale as the Director thinks expedient, and, after such notice of the time, place, terms, and conditions of sale as the Director thinks just and expedient, with power to give time for payment of purchase-money, or to allow the purchase-money to remain on mortgage at the risk of the borrower, and to vary or rescind any contract for sale, and to buy in at any auction, and to resell without being answerable for any loss, and may transfer such land or land and dwelling-house to the purchaser and give a good and valid title thereto: Provided that, before any land or land and dwelling-house is sold by private sale under this section, it shall first be offered at public auction, due notice of which shall be advertised in a newspaper.
- (2A) Subject to subsection (2B) of this section, the Director may, pending the sale of any land or land and dwelling-house in pursuance of subsection (2) of this section, let the land or land and dwelling-house to such person, at such rent, and on such terms and conditions, as the Director may think fit.

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Part VI – Conditions of Contracts of sale and Advances

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- (2B) The provisions of subsection (2) of section sixteen shall apply to and in respect of the letting of any land or land and dwelling-house under subsection (2A) of this section as if that land or land and dwelling-house were let under that section.
- (3) As against mortgagors, the Director shall not be responsible for involuntary losses or the default of agents or auctioneers.
- (4) The Director shall apply the proceeds derived from any sale made in pursuance of this Part in payment, in the first instance, of all moneys due in respect of the land or land and dwelling-house and in payment or repayment of any amount charged thereon in favour of the Director, or of so much thereof as remains unpaid, and of all expenses incurred by the Director in relation to such sale, or otherwise with respect to the land or the land and dwelling-house, and shall pay the balance, if any, to the persons appearing to the Director to be entitled to receive the same.

36. Money due by purchaser or borrower is a debt due to the Crown

In addition to any other remedy provided by this Act for the recovery of any sum of money payable under any provision of this Act to the Director by a purchaser or borrower, it is hereby declared that every such sum of money shall be and remain until payment a debt due by the purchaser or borrower to the Crown, and shall be

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recoverable, with interest, by the Director accordingly.

37. In event of no purchaser land to revert to the Crown

Whenever any land or land and dwelling-house, authorized to be sold by the Director under this Act, is offered for sale by public auction, and the amount of the highest bidding at such sale is not sufficient to satisfy the moneys due to the Director, together with the cost and expenses of, and occasioned by, such attempted sale, or there is no bid, the Director may advertise the land or land and dwelling-house for private sale in the *Gazette* and in at least one newspaper, once at least in each of three successive weeks, and shall in such advertisement name a day and time, not less than one month from the date of the first of such advertisements, upon or after which the land or land and dwelling-house shall revert to the Crown, together with all improvements thereon, unless in the interval a sufficient amount has been obtained by the sale thereof to satisfy the moneys due to the Director and all costs and expenses of, and occasioned by, such sale and proceedings, and upon such reversion the land or land and dwelling-house shall revert in the Crown accordingly.

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Part VIA – Movable dwelling units

s. 37A

PART VIA – MOVABLE DWELLING UNITS

37A. Nature of movable dwelling units

- (1) For the purposes of this Part a movable dwelling unit shall be taken to be any unit designed for use as a dwelling for one or two individuals that is capable of being transferred from place to place with reasonable facility.
- (2) References in this Part to the ancillary features of a unit shall be construed as references to –
 - (a) any component or other part of the unit;
 - (b) any fittings, equipment, or furniture, provided for use in connection with the unit;
 - (c) any foundations, footings, steps, or other works required for the erection or use of the unit.

37B. Purpose of provision of movable dwelling units

- (1) The Director may make arrangements for the provision of a movable dwelling unit in connection with a dwelling-house so that that unit may be used as a dwelling by one or two persons who, the Director is satisfied, are eligible individuals who are, or one of whom is, related to one or more of the individuals ordinarily resident in the dwelling house.
- (2) For the purposes of subsection (1) an individual shall be taken to be an eligible individual if he or

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she is of advancing years or suffers from some infirmity or disability that renders it advisable that he or she live close to someone who is available to render him or her any assistance that he or she may require.

- (3) Two individuals may be taken to be related to each other for the purposes of subsection (1) if they have been living together for a substantial period as members of one family in the same household, notwithstanding that they are not related by consanguinity or affinity.
- (4) Notwithstanding anything in this section a movable dwelling unit shall not be erected on any land without the approval of the council of the municipal area in which the land is situated.

37C. Provision of movable dwelling units

For the purposes of this Part the Director may provide, or make arrangements for the provision of, the movable dwelling units and the ancillary features thereof, and may carry out, or arrange for the carrying out of, any work necessary in connection with the erection, maintenance, use, or removal of the units.

37D. Agreements with respect to movable dwelling units

- (1) In the exercise of the powers conferred on the Director by this Part the Director may enter into, and carry into effect, agreements (in this Part referred to as “hiring agreements”) with respect

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s. 37D

to the erection and use of a movable dwelling unit in accordance with this Part.

- (2) Without prejudice to the generality of the provisions of subsection (1), a hiring agreement in respect of a movable dwelling unit may make provision with respect to all or any of the following matters:
- (a) The hiring charges payable in respect of the unit or any of its ancillary features, including the fixing of the amount, the manner of payment, and recovery, of any such charges;
 - (b) The payment or return of deposits in respect of the erection or installation of the unit or any of its ancillary features;
 - (c) The maintenance of the unit or any of its ancillary features, and their preservation from damage;
 - (d) The provision and maintenance of the services required in connection with the use of the unit as a dwelling;
 - (e) The removal of the unit or any of its ancillary features, and the restoration of the site from which it or they are removed;
 - (f) The persons who may be allowed to use the unit as a dwelling;
 - (g) The terms and conditions on which persons may be allowed to use the unit as

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- a dwelling, and the charges that may be made in respect of any such use;
- (h) The notifications required to be given with respect to the use of the unit or the occupation or ownership of the land on which it is situated;
 - (i) The rights of entry of the Director and persons acting under the Director's authority in relation to matters arising under the agreement;
 - (j) The effect of a failure to comply with any of the terms of the agreement.
- (3) A movable dwelling unit and the ancillary features of a unit shall be the property of the Director and remain personal property, and shall be deemed not to be affixed, within the meaning of any law relating to real property, to any land upon which it is for the time being situated.
 - (4) A hiring agreement may make provision for the termination thereof, by act of any party thereto or otherwise.
 - (5) A hiring agreement may be an agreement altering or replacing a previous hiring agreement.
 - (6) The Director may cause a hiring agreement to be registered in accordance with Schedule 3.
 - (7) Where the Director registers a hiring agreement in accordance with subsection (6), the Director shall, upon the determination of that agreement,

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Part VIA – Movable dwelling units

s. 37E

serve upon the Recorder of Titles a notice in respect thereof and the Recorder shall make an entry on the relevant folium of the register book that the agreement so registered has been cancelled.

37E. Power to remove units

- (1) Where a hiring agreement in respect of a movable dwelling unit has been registered as mentioned in section 37D(6) and the Director becomes entitled, on the termination of the agreement or otherwise, to remove the unit or any ancillary features thereof from the land in respect of which the agreement was registered any authorized person may enter upon that land and remove or assist in removing that unit or that ancillary feature.
- (2) For the purposes of this section an authorized person is any person authorized by the Director to remove the unit or ancillary feature, and any other person acting under the direction of the person so authorized.

37F - 37N.

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Part VIB –

PART VIB –

37O - 37Q.

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Part VII – Miscellaneous

s. 38

PART VII – MISCELLANEOUS

38.

39. Extension of time for repayment

- (1) In cases of hardship the Director may extend for such period and on such terms and conditions as the Director thinks fit, the time for making any payment required by this Act to be made to the Director.
- (2) Where the time for making any payment has been so extended, the payment shall bear interest for the time so extended at the same annual rate as that which is payable on the purchase-money or advance.

40. Director to obtain reports from inspectors and valuers

- (1) The Director shall obtain a report from an inspector or valuer as to the manner in which any advance under this Act has been expended and used by the borrower, and generally as to the state and condition of any land or land and dwelling-house or any improvements in respect of which a contract of sale or tenancy has been entered into or an advance has been made.
- (2) The inspector or valuer directed to make the report may, at any reasonable hour in the daytime, enter and make an inspection of any land or land and dwelling-house or

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Part VII – Miscellaneous

improvements for the purpose of making his report.

41. Register of purchases, tenancies and advances

The Director must keep –

- (a) a register or list of all purchases, tenancies and advances made or granted under this Act; and
- (b) an alphabetical list of the names of the persons included in each register or list.

42 - 42A.

43. Sale or leasing of land, &c., not immediately required

(1) If the Director is satisfied that any land–

- (a) which is vested in, or held by, him or her under or for the purposes of this Act; or
- (b)
- (c) which has been granted to the Director, or to the grant to which the Director is entitled, under section 12 of the *Crown Lands Act 1976*–

is not immediately required for the purposes of this Act, the Director may sell or let that land at such price and on such terms and conditions as the Director thinks fit.

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s. 43A

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- (1A) Without limiting the generality of subsection (1), the Director may be satisfied that land is not immediately required for the purposes of this Act if –
- (a) he or she is satisfied that other land is likely to be more suited to the provision of accommodation to eligible persons; or
 - (b) he or she is satisfied that it is necessary or convenient to sell, or lease, the land so as to obtain funds that may be used for the purposes of this Act.
- (2) The moneys that are received by the Director upon the sale or letting of any property in pursuance of this section shall be applied as the Treasurer may direct.

43A. Power of Director to sell or hire plant to persons erecting dwelling-houses

The Director may, with the approval of the Minister, sell or hire plant to persons who desire to provide homes for themselves, and to building contractors, at such price or rate, and on such other terms and conditions, as the Director may think fit.

43B. Sale, &c., of plant not immediately required

If the Director is satisfied that any plant held by, or vested in, the Director under or for the purposes of this Act is not immediately required for the purposes of this Act, he or she may, with

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the approval of the Minister, sell or hire all or any of that plant to such persons, and on such terms and conditions, as the Director may think fit.

43C. Work for other State instrumentalities

- (1) Subject to this section, the Director may, with the approval of the Minister, enter into and carry out arrangements for the carrying out of any work for or on behalf of the State or any State instrumentality.
- (2) The Director shall not enter into any arrangements under this section for the carrying out of any work unless he or she is satisfied—
 - (a) that the work can be carried out by persons engaged by the Director;
 - (b) that the work can be carried out without affecting the carrying out of other work required to be carried out for the discharge of the Director's functions under this Act; and
 - (c) that the arrangements make adequate recompense to the Director in respect of the cost of the carrying out of the work.
- (3) For the purposes of this section a

State instrumentality means any person or body (whether incorporate or unincorporate) established to administer

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or control any department, business, or undertaking on behalf of the State.

44. Power of Director to compound in case of breach of contract

The Director may compound and agree with any person who has entered into any contract in pursuance of or under the authority of this Act, or against whom any action is brought for any penalty contained in the contract, or in any bond or other security for the performance thereof, or for or on account of any breach of performance of the contract, bond, or security for such sum of money, or other consideration as the Director thinks proper.

45. Judgment of court not to affect contract of sale or mortgage

No judgment, order, or decree of any court shall in any way affect the security or remedies of the Director under a contract of sale or mortgage; and, until the contract of sale has been fully performed or the terms and conditions of the mortgage complied with, no process of law shall interfere with such security or remedies.

46. Profit and loss accounts and balance-sheets

- (1)
- (2) As soon as practicable after the close of each financial year, the Director shall cause to be prepared in respect of the operations of the

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Director under this Act during that financial year
—

- (a) a profit and loss account; and
 - (b) a balance-sheet.
- (3) If, in any financial year, the profit and loss account of the Director for the immediately preceding financial year shows —
- (a) a credit balance, the Director shall pay to the Treasurer, to the credit of the Public Account, the amount of that credit balance; or
 - (b) a debit balance, the Treasurer shall pay to the Director out of the Public Account (which, to the necessary extent, is appropriated accordingly) the amount of that debit balance.

46A - 46B.

47. Regulations

- (1) The Governor may make regulations under this Act and in particular for —
- (a)
 - (b) prescribing the duties of valuers and the scale of their remuneration;

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-
- (c) fixing the scale of costs and fees for the preparation and completion of leases and rent-purchase contracts, and for the valuation of securities;
 - (d) prescribing the accounts, registers, and books to be kept and the manner of keeping the same; and
 - (e) provisions of a savings or transitional nature consequent on the enactment of the *Homes (Sale of Mortgages) Act 1993* or the *Homes Amendment Act 2016*.

(2)

48. Validation

A rental calculated pursuant to section 17(5) which, before the commencement of sections 5 and 7 of the *Homes Amendment Act 1984*, purported to include a charge in respect of costs of administration is to be deemed to have validly and properly included that charge as if those sections had been in force at the time that rental was calculated.

49. Validation of certain actions

(1) In this section –

amending Act means the *Homes Amendment Act 2016*;

commencement day means the day on which the amending Act commences.

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- (2) An action taken in good faith, before the commencement day, by the Director, or a person acting at the direction of the Director, is valid and effectual, and is taken to have always been valid and effectual, if –
 - (a) had the action been taken after the commencement day, it would have been authorised by this Act as amended by the amending Act; or
 - (b) had the action been taken after the commencement day, and, where the approval of the Minister is required in relation to such an action taken after the commencement day, if that approval had been obtained, it would have been authorised by this Act as amended by the amending Act.
- (3) An application for an advance that was, immediately before the commencement day, accepted by the Director is taken to be an application that is in the form approved by the Director for the purposes of section 20(1).

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SCHEDULE 1 – ACTS REPEALED

Section 2

Regnal year and number.	Title of Act.
10 Geo. V No. 39	<i>Homes Act 1919</i>
11 Geo. V No. 30	<i>Homes Act 1920</i>
13 Geo. V No. 2	<i>Homes Act 1922</i>
14 Geo. V No. 16	<i>Homes Act 1923</i>
15 Geo. V No. 23	<i>Homes Act 1924</i>
20 Geo. V No. 4	<i>Homes Act 1929</i>
20 Geo. V No. 31	<i>Homes Act (No. 2) 1929</i>

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SCHEDULE 2 –

**SCHEDULE 3 – REGISTRATION OF HIRE
AGREEMENTS IN RESPECT OF MOVABLE
DWELLING UNITS**

Section 37D(6)

1. (1) Where a hire agreement is required to be registered in accordance with this Schedule it shall be so registered by lodging with the Recorder of Titles –
 - (a) a copy of the agreement; and
 - (b) particulars of the title to the land on which the movable dwelling unit to which the agreement relates is, or is to be, erected.
 - (2) Where an agreement has been registered under subparagraph (1) the Recorder shall record the agreement on the folio of the Register constituting the title to the land referred to in clause (b) of that subparagraph.
-
2. (1) Where the whole or any part of the land referred to in paragraph 1(1) is not under the *Land Titles Act 1980* the Recorder shall bring under that Act so much of the land that is not under that Act by registering a qualified title thereto in accordance with section 21 of that Act.
 - (2) Where part only of the land referred to in clause (b) of paragraph 1(1) is required to be brought under the *Land Titles Act 1980* by this paragraph the Recorder shall issue a consolidated title to

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the whole of the land so referred to and for that purpose may call in and cancel the certificates of title to the parts of the land in accordance with section 163 of that Act.

(3 - 5)

3. No fee is payable in respect of the registration of a hire agreement in accordance with this Schedule.

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NOTES

The foregoing text of the *Homes Act 1935* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2022 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Statute Law Revision Act 1934 and proclamations thereunder</i>	No. 78 of 1934	13.12.1934
<i>Homes Act 1935</i>	No. 98 of 1935	31.1.1936
<i>Proclamations Confirmation Act 1937</i>	No. 70 of 1937	20.12.1937
<i>Homes Act 1938</i>	No. 57 of 1938	16.12.1938
<i>Homes Act (No. 2) 1941</i>	No. 44 of 1941	13.11.1941
<i>Homes Act (No. 2) 1942</i>	No. 66 of 1942	16.11.1942
<i>Homes Act 1943</i>	No. 31 of 1943	19.10.1943
<i>Homes Act 1944</i>	No. 89 of 1944	24.5.1944
<i>Homes Act 1946</i>	No. 52 of 1946	29.3.1946
<i>Homes Act 1948</i>	No. 20 of 1948	20.7.1948
<i>Agricultural Bank (Administration) Act 1949</i>	No. 33 of 1949	2.11.1949
<i>Homes Act 1950</i>	No. 87 of 1950	21.12.1950
<i>Homes Act 1951</i>	No. 28 of 1951	18.5.1951
<i>Homes Act (No. 2) 1951</i>	No. 63 of 1951	20.11.1951
<i>Homes Act (No. 2) 1953</i>	No. 59 of 1953	1.7.1953 (s. 3)
<i>Homes Act 1953</i>	No. 5 of 1953	1.7.1953
<i>Homes Act (No. 2) 1973</i>	No. 80 of 1973	1.7.1953 (s. 3)
<i>Homes Act (No. 2) 1953</i>	No. 59 of 1953	16.11.1953 (s. 2)
<i>Homes Act 1954</i>	No. 27 of 1954	21.9.1954
<i>Homes Act 1955</i>	No. 76 of 1955	1.1.1956
<i>Homes Act 1956</i>	No. 14 of 1956	16.5.1956
<i>Housing Agreement Act 1956</i>	No. 55 of 1956	29.11.1956
<i>Statute Law Revision Act 1958</i>	No. 36 of 1958	24.7.1958
<i>Homes Act 1959</i>	No. 68 of 1959	9.12.1959
<i>Housing Agreement Act 1961</i>	No. 18 of 1961	7.9.1961
<i>Decimal Currency Act 1965</i>	No. 55 of 1965	14.2.1966
<i>Housing Agreement Act 1966</i>	No. 27 of 1966	22.9.1966
<i>Homes Act 1973</i>	No. 1 of 1973	3.5.1973

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Act	Number and year	Date of commencement
<i>Housing Agreement Act 1973</i>	No. 51 of 1973	16.10.1973
<i>Homes Act (No. 2) 1973</i>	No. 80 of 1973	19.12.1973 (remaining provisions)
<i>Crown Lands Act 1976</i>	No. 28 of 1976	18.8.1976
<i>Homes (Movable Dwelling Units) Act 1976</i>	No. 101 of 1976	15.12.1976
<i>Home Purchase Loans Guarantees Act 1977</i>	No. 20 of 1977	28.4.1977
<i>Housing and Construction Act 1977</i>	No. 29 of 1977	14.9.1977
<i>Homes Act 1977</i>	No. 59 of 1977	21.9.1977
<i>Homes (Additional Borrowings) Act 1977</i>	No. 110 of 1977	14.12.1977
<i>Homes Act 1978</i>	No. 12 of 1978	18.5.1978
<i>Land Titles Act 1980</i>	No. 19 of 1980	1.10.1981
<i>Statute Law Revision Act 1982</i>	No. 99 of 1982	18.1.1983
<i>Homes Amendment Act 1984</i>	No. 2 of 1984	1.7.1983
<i>Statute Law Revision Act 1991</i>	No. 46 of 1991	19.7.1983
<i>Housing and Construction Act (Repeal) Act 1983</i>	No. 24 of 1983	18.8.1983 (s. 4 and Sched. 1)
<i>Tasmanian Development (Miscellaneous Provisions) Act 1983</i>	No. 88 of 1983	1.3.1984
<i>Tasmanian State Service (Miscellaneous Amendments) Act 1984</i>	No. 29 of 1984	1.12.1985
<i>Homes Amendment Act 1987</i>	No. 14 of 1987	29.4.1987
<i>Homes Amendment Act 1988</i>	No. 55 of 1988	19.12.1988
<i>Administrative Arrangements (Miscellaneous Amendments) Act 1990</i>	No. 5 of 1990	1.7.1990
<i>Homes (Sale of Mortgages) Act 1993</i>	No. 104 of 1993	23.12.1993 (rest of Act)
<i>Land Acquisition (Consequential Amendments) Act 1993</i>	No. 24 of 1993	1.1.1994
<i>Homes (Sale of Mortgages) Act 1993</i>	No. 104 of 1993	20.4.1994 (Pt. 4 except. ss. 33, 36, 37)
<i>Local Government (Consequential Amendments) Act 1995</i>	No. 30 of 1995	1.9.1995
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Corporations (Consequential Amendments) Act 2001</i>	No. 42 of 2001	15.7.2001
<i>Relationships (Consequential Amendments) Act 2003</i>	No. 45 of 2003	1.1.2004

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Act	Number and year	Date of commencement
<i>Homes Amendment Act 2005</i>	No. 4 of 2005	1.7.2004
<i>Tasmanian Ports Corporation Act 2005</i>	No. 41 of 2005	31.12.2005
<i>Personal Property Securities (National Uniform Legislation) Implementation Act 2011</i>	No. 2 of 2011	30.1.2012
<i>Homes Amendment Act 2016</i>	No. 6 of 2016	13.5.2016
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Land (Miscellaneous Amendments) Act 2021</i>	No. 23 of 2021	1.1.2022

TABLE OF AMENDMENTS

Provision affected	How affected
The long title	Amended by No. 14 of 1987, s. 4 and No. 6 of 2016, s. 4
Section 2	Repealed by 25 Geo. V No. 78 Inserted by No. 6 of 2016, s. 5
Section 3	Amended by 2 Geo. VI No. 57, s. 2, No. 5 of 1953, s. 3, No. 76 of 1955, s. 15 and Sched. 1, No. 14 of 1956, s. 2, No. 27 of 1966, s. 6, No. 1 of 1973, s. 2, No. 80 of 1973, s. 2, No. 29 of 1977, s. 5 and Sched. 1, No. 19 of 1980, s. 171 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 3, No. 5 of 1990, s. 3 and Sched. 1, No. 104 of 1993, s. 15 and No. 6 of 2016, s. 6
Section 4	Substituted by No. 5 of 1953, s. 4 Amended by No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 3 and Sched. 1 and No. 104 of 1993, s. 15
Section 5	Substituted by No. 5 of 1953, s. 4 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2 and No. 104 of 1993, s. 15
Section 6	Amended by No. 76 of 1955, s. 2 Repealed by No. 24 of 1983, Sched. 1 Inserted by No. 14 of 1987, s. 5 Repealed by No. 6 of 2016, s. 7
Section 6AA	Inserted by No. 29 of 1977, Sched. 1 Repealed by No. 24 of 1983, s. 4 and Sched. 1
Section 6A	Inserted by No. 33 of 1949, s. 6 Amended by No. 5 of 1953, s. 5, No. 1 of 1973, s. 3, No. 29 of 1977, Sched. 1 Substituted by No. 24 of 1983, s. 4 and Sched. 1 Amended by No. 29 of 1984, s. 3 and Sched. 1, No. 14 of 1987, s. 6, No. 5 of 1990, s. 3 and Sched. 1, No. 86 of

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Provision affected	How affected
	2000, Sched. 1 and No. 6 of 2016, s. 8
Section 6AB	Inserted by No. 29 of 1977, Sched. 1 Substituted by No. 24 of 1983, s. 4 and Sched. 1 Amended by No. 104 of 1993, s. 18 and No. 6 of 2016, s. 9
Section 6B	Inserted by No. 5 of 1953, s. 6 Amended by No. 29 of 1977, Sched. 1 Substituted by No. 24 of 1983, Sched. 1 Repealed by No. 29 of 1984, s. 3 and Sched. 1
Section 7	Inserted by No. 6 of 2016, s. 10 Substituted by No. 87 of 1950, s. 2 Amended by No. 63 of 1951, s. 2 Substituted by No. 5 of 1953, s. 7 Amended by No. 27 of 1954, s. 2, No. 14 of 1956, s. 3, No. 55 of 1956, s. 6 Inserted by No. 18 of 1961, s. 6 Amended by No. 27 of 1966, s. 6 Repealed by No. 1 of 1973, s. 4
Section 7A	Inserted by No. 5 of 1953, s. 7 Amended by No. 24 of 1983, Sched. 2 Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 7B	Inserted by No. 5 of 1953, s. 7 Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 7C	Inserted by No. 5 of 1953, s. 7 Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 7D	Inserted by No. 5 of 1953, s. 7 Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 8	Amended by No. 5 of 1953, s. 8 Substituted by No. 88 of 1983, Sched. 1, No. 104 of 1993, s. 19 Amended by No. 4 of 2017, Sched. 1
Section 8A	Inserted by No. 104 of 1993, s. 19 Amended by No. 4 of 2017, Sched. 1
Section 8B	Inserted by No. 104 of 1993, s. 19 Amended by No. 42 of 2001, Sched. 1
Section 9	Amended by No. 70 of 1937, Part 2 of Sched. 1, No. 87 of 1950, s. 3, No. 5 of 1953, s. 9 Substituted by No. 88 of 1983, s. 3 and Sched. 1 Amended by No. 104 of 1993, s. 20 and No. 4 of 2017, Sched. 1
Section 9AA	Inserted by No. 99 of 1982, s. 3 Repealed by No. 24 of 1983, s. 4 and Sched. 1
Section 9A	Inserted by No. 110 of 1977, s. 2 Repealed by No. 14 of 1987, s. 7
Section 10	Amended by No. 5 of 1953, s. 10, No. 76 of 1955, s. 3, No. 55 of 1965, Sched. 1

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Provision affected	How affected
Section 11	Repealed by No. 28 of 1976, s. 74 and Sched. 3 Substituted by No. 5 of 1953, s. 11 Amended by No. 1 of 1973, s. 6, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 24 of 1993, s. 3 and Sched. 1 and No. 6 of 2016, s. 11
Section 11A	Inserted by No. 20 of 1948, s. 2 Amended by No. 5 of 1953, s. 25 and Sched. 2, No. 76 of 1955, s. 15 and Sched. 1, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 12
Section 12	Amended by No. 5 of 1953, s. 25 and Sched. 2, No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 12A	Inserted by No. 20 of 1948, s. 3 Amended by No. 5 of 1953, s. 25 and Sched. 2, No. 76 of 1955, s. 15 and Sched. 1, No. 27 of 1966, s. 6, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 13
Section 13	Amended by No. 66 of 1942, s. 2 Substituted by No. 5 of 1953, s. 12 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 14
Section 14	Amended by 9 & 10 Geo. VI No. 52, s. 2, No. 5 of 1953, s. 25 and Sched. 2, No. 76 of 1955, s. 4, No. 28 of 1976, s. 74 and Sched. 3, No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 14A	Inserted by No. 52 of 1946, s. 3 Amended by No. 5 of 1953, s. 25 and Sched. 2 Inserted by No. 1 of 1973, s. 7 Amended by No. 29 of 1977, Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 14 of 1987, s. 8 and No. 6 of 2016, s. 15
Section 14B	Inserted by No. 5 of 1953, s. 13 Amended by No. 76 of 1955, s. 5, No. 28 of 1976, s. 74 and Sched. 3, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 29 of 1984, s. 3 and Sched. 1 and No. 6 of 2016, s. 16
Section 15	Substituted by 6 Geo. VI No. 66, s. 2
Section 15A	Repealed by 2 Geo. VI, No. 57, s. 3 Amended by No. 5 of 1953, s. 25 and Sched. 2, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 30 of 1995, s. 3 and Sched. 1 Repealed by No. 6 of 2016, s. 17 Inserted by No. 76 of 1955, s. 6 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 30 of 1995, s. 3 and Sched. 1, No. 41 of 2005, Sched. 1 and No. 6 of 2016,

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Provision affected	How affected
	s. 18
Section 15AA	Inserted by No. 6 of 2016, s. 19
Section 15AB	Inserted by No. 6 of 2016, s. 19
Section 15AC	Inserted by No. 6 of 2016, s. 19
Section 15AD	Inserted by No. 6 of 2016, s. 19
Part IV	Amended by No. 6 of 2016, s. 20
Section 15B	Inserted by No. 2 of 1984, s. 4 Amended by No. 55 of 1988, s. 4, No. 4 of 2005, s. 4 and No. 6 of 2016, s. 21
Section 16	Amended by No. 5 of 1953, s. 14, No. 76 of 1955, s. 7 Subsection (1) substituted by No. 1 of 1973, s. 8 Subsection (2) substituted by No. 1 of 1973, s. 8 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 5 Repealed by No. 6 of 2016, s. 22
Section 17	Amended by No. 28 of 1951, s. 2, No. 5 of 1953, s. 15, No. 59 of 1953, s. 2, No. 76 of 1955, s. 8, No. 68 of 1959, s. 2, No. 80 of 1973, s. 3, No. 29 of 1977, s. 5 and Sched. 1, No. 59 of 1977, s. 2, No. 24 of 1983, s. 4 and Sched. 2, No. 2 of 1984, s. 5, No. 55 of 1988, s. 6, No. 104 of 1993, s. 21, No. 45 of 2003, Sched. 1, No. 4 of 2005, s. 5 and No. 6 of 2016, s. 23
Section 17AA	Inserted by No. 2 of 1984, s. 6 Amended by No. 6 of 2016, s. 24
Section 17AB	Inserted by No. 2 of 1984, s. 6 Amended by No. 4 of 2005, s. 6
Section 17AC	Inserted by No. 2 of 1984, s. 6 Amended by No. 4 of 2005, s. 7
Section 17A	Inserted by No. 80 of 1973, s. 4 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 7 and No. 6 of 2016, s. 25
Section 17B	Inserted by No. 80 of 1973, s. 4 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 8 and No. 6 of 2016, s. 26
Section 18	Amended by No. 5 of 1953, s. 16, No. 76 of 1955, s. 9, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 27
Part IVA	Amended by No. 6 of 2016, s. 28
Part IVA	Inserted by No. 59 of 1977, s. 3
Section 18A	Inserted by No. 59 of 1977, s. 3 Amended by No. 99 of 1982, s. 3 and Sched. 2, No. 24 of 1983, s. 4 and Sched. 2 Substituted by No. 6 of 2016, s. 29
Section 18AA	Inserted by No. 6 of 2016, s. 29
Section 18AB	Inserted by No. 6 of 2016, s. 29
Section 18AC	Inserted by No. 6 of 2016, s. 29

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Provision affected	How affected
Section 18B	Inserted by No. 59 of 1977, s. 3 Amended by No. 19 of 1980, s. 171 and Sched. 1, No. 99 of 1982, s. 3 and Sched. 2, No. 24 of 1983, s. 4 and Sched. 2, No. 46 of 1991, s. 4 and Sched. 2, No. 6 of 2016, s. 30 and No. 23 of 2021, s. 13
Part IVB	Inserted by No. 55 of 1988, s. 9
Section 18C	Inserted by No. 55 of 1988, s. 9 Amended by No. 6 of 2016, s. 31 and No. 4 of 2017, Sched. 1
Section 18D	Inserted by No. 55 of 1988, s. 9 Amended by No. 104 of 1993, s. 22 and No. 4 of 2017, Sched. 1
Section 18E	Inserted by No. 55 of 1988, s. 9
Section 18F	Inserted by No. 6 of 2016, s. 32
Section 18G	Inserted by No. 6 of 2016, s. 32
Part V	Amended by No. 55 of 1988, s. 10 and No. 104 of 1993, s. 34 and Sched. 1
Section 19	Amended by 7 Geo. VI No. 31, s. 2, 1 Geo. VI, No. 70, Part 2 of Sched. 1, 2 Geo. VI, No. 57, s. 2, No. 27 of 1966, s. 6, No. 20 of 1977, s. 8, No. 12 of 1978, s. 2, No. 88 of 1983, s. 4 and Sched. 2, No. 104 of 1993, s. 34 and Sched. 1 and No. 6 of 2016, s. 33
Section 19A	Inserted by No. 6 of 2016, s. 34
Section 19B	Inserted by No. 6 of 2016, s. 34
Section 20	Amended by 2 Geo. VI No. 57, s. 2, No. 88 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 11, No. 104 of 1993, s. 34 and Sched. 1 and No. 6 of 2016, s. 35
Section 21	Amended by No. 88 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 12 and No. 104 of 1993, s. 34 and Sched. 1
Section 22	Subsection (1) substituted by No. 12 of 1978, s. 3 Amended by No. 88 of 1983, s. 4 and Sched. 2, No. 104 of 1993, s. 34 and Sched. 1, No. 2 of 2011, Sched. 1 Substituted by No. 6 of 2016, s. 36
Section 23	Amended by No. 55 of 1988, s. 13 Repealed by No. 6 of 2016, s. 36
Section 24	Amended by No. 87 of 1950, s. 4, No. 55 of 1965, s. 5 and No. 6 of 2016, s. 37
Section 25	Amended by No. 12 of 1978, s. 4, No. 88 of 1983, s. 4 and Sched. 2, No. 55 of 1988, s. 14, No. 104 of 1993, s. 34 and Sched. 1 and No. 6 of 2016, s. 38
Section 26	Amended by No. 55 of 1956, s. 6, No. 18 of 1961, s. 6 Amended by No. 27 of 1966, s. 6 Amended by No. 51 of 1973, s. 6 Repealed by No. 12 of 1978, s. 5
Section 27	Substituted by No. 5 of 1953, s. 17, No. 76 of 1955, s. 10 Amended by No. 80 of 1973, s. 5, No. 24 of 1983, Sched. 2, No. 88 of 1983, Sched. 1 & Sched. 2 Repealed by No. 104 of 1993, s. 23

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Provision affected	How affected
Section 27A	Amended by No. 76 of 1955, s. 10, No. 24 of 1983, Sched. 2, No. 88 of 1983, Sched. 2 Substituted by No. 104 of 1993, s. 23 Amended by No. 6 of 2016, s. 39
Section 28	Amended by No. 80 of 1973, s. 6 and No. 6 of 2016, s. 40
Section 28A	Inserted by No. 104 of 1993, s. 24 Amended by No. 6 of 2016, s. 41
Section 29	Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 55 of 1965, s. 5 and No. 104 of 1993, s. 35 and Sched. 2
Section 30	Amended by No. 76 of 1955, s. 11, No. 88 of 1983, Sched. 1, No. 14 of 1987, s. 9, No. 104 of 1993, s. 35 and Sched. 2 and No. 6 of 2016, s. 42
Section 31	Substituted by No. 28 of 1951, s. 3 Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 80 of 1973, s. 7, No. 104 of 1993, s. 35 and Sched. 2 and No. 6 of 2016, s. 43
Section 32	Amended by No. 80 of 1973, s. 8, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2, No. 104 of 1993, s. 25 and No. 6 of 2016, s. 44
Section 33	Amended by No. 6 of 2016, s. 45
Section 34	Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 80 of 1973, s. 9 and No. 104 of 1993, s. 35 and Sched. 2
Section 35	Amended by No. 5 of 1953, s. 18, No. 76 of 1955, s. 15 and Sched. 1, No. 36 of 1958, s. 4 and Sched. 3, No. 68 of 1959, s. 3, No. 80 of 1973, s. 10, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2 and No. 104 of 1993, s. 35 and Sched. 2
Section 36	Amended by No. 76 of 1955, s. 15 and Sched. 1 and No. 104 of 1993, s. 35 and Sched. 2
Section 37	Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 104 of 1993, s. 35 and Sched. 2 and No. 6 of 2016, s. 46
Part VIA	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2
Section 37A	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2
Section 37B	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 30 of 1995, s. 3 and Sched. 1 and No. 6 of 2016, s. 47
Section 37C	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2

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Provision affected	How affected
	Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 37D	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 48
Section 37E	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1 Inserted by No. 101 of 1976, s. 2 Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 37F	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37G	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37H	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37I	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37J	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37K	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37L	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37M	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37N	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Part VIB	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37O	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37P	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 37Q	Inserted by No. 44 of 1941, s. 2 Repealed by No. 5 of 1953, s. 2 and Sched. 1
Section 38	Repealed by No. 6 of 2016, s. 49
Section 39	Amended by No. 5 of 1953, s. 19, No. 76 of 1955, s. 15 and Sched. 1, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2, No. 104 of 1993, s. 27 and No. 6 of 2016, s. 50
Section 40	Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2 and No. 104 of 1993, s. 28

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Provision affected	How affected
Section 41	Substituted by No. 76 of 1955, s. 12 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, Sched. 2, No. 14 of 1987 Substituted by No. 104 of 1993, s. 29
Section 42	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 42A	Inserted by No. 76 of 1955, s. 13 Repealed by No. 1 of 1973, s. 9
Section 43	Amended by No. 5 of 1953, s. 20, No. 76 of 1955, s. 14, No. 1 of 1973, s. 10, No. 28 of 1976, s. 74 and Sched. 3, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 5 of 1990, s. 3 and Sched. 1 and No. 6 of 2016, s. 51
Section 43A	Inserted by No. 5 of 1953, s. 21 Amended by No. 29 of 1977, s. 5 and Sched. 1 and No. 24 of 1983, s. 4 and Sched. 2
Section 43B	Inserted by No. 5 of 1953, s. 21 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 52
Section 43C	Inserted by No. 1 of 1973, s. 11 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2 and No. 6 of 2016, s. 53
Section 44	Amended by No. 76 of 1955, s. 15 and Sched. 1, No. 29 of 1977, s. 5 and Sched. 1, No. 24 of 1983, s. 4 and Sched. 2, No. 88 of 1983, s. 4 and Sched. 2 and No. 104 of 1993, s. 30
Section 45	Amended by No. 76 of 1955, s. 15, No. 29 of 1977, s. 5 and Sched. 1, No. 88 of 1983, s. 4 and Sched. 2, No. 46 of 1991, s. 4 and Sched. 2 and No. 104 of 1993, s. 31
Section 46	Substituted by 1 Geo. VI No. 70, Part 2 of Sched. 1 Amended by No. 5 of 1953, s. 22 Substituted by 25 Geo. V No. 78 Amended by No. 29 of 1977, s. 5 and Sched. 1, No. 88 of 1983, s. 3 and Sched. 1, No. 46 of 1991, s. 4 and Sched. 2 and No. 4 of 2017, Sched. 1
Section 46A	Inserted by No. 5 of 1953, s. 23, No. 88 of 1983, Sched. 1 Repealed by No. 5 of 1990, s. 3 and Sched. 1
Section 46B	Repealed by No. 104 of 1993, s. 32
Section 47	Amended by No. 88 of 1983, s. 3 and Sched. 1, No. 104 of 1993, s. 33 and No. 6 of 2016, s. 54
Section 48	Inserted by No. 2 of 1984, s. 8
Section 49	Inserted by No. 6 of 2016, s. 55
Schedule 2	Substituted by No. 87 of 1950, s. 5, No. 24 of 1983, Sched. 1 Repealed by No. 29 of 1984, s. 3 and Sched. 1
Schedule 3	Inserted by No. 101 of 1976, s. 3 Amended by No. 19 of 1980, s. 171 and Sched. 1
Schedule 4	Inserted by No. 2 of 1984, s. 7 Repealed by No. 4 of 2005, s. 8