

Version No. 042
Housing Act 1983
Act No. 10020/1983

Version incorporating amendments as at 1 January 2005

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Version No. 042

Housing Act 1983

Act No. 10020/1983

Version incorporating amendments as at 1 January 2005

An Act to modernize housing law, to improve housing administration in Victoria, to repeal the **Housing Act 1958** and the **Home Finance Act 1962** and certain other Acts, to make consequential amendments to various Acts and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

PART I—PRELIMINARY

Division 1—Commencement, Repeals, Interpretations

1. Short title

This Act may be cited as the **Housing Act 1983**.

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

3. Repeals and savings

- (1) The Acts mentioned in Schedule 1 to the extent thereby expressed to be amended or repealed are hereby amended or repealed accordingly.

- (2) Except as in this Act expressly or by necessary implication provided all persons, things and circumstances appointed done or created by or under any Act which is amended or repealed by this Act or existing or continuing under any such Act immediately before the commencement of this Act shall be under and subject to this Act continue to have the same status, operation and effect as they would have had if this Act had not been enacted.

4. Definitions

- (1) In this Act unless inconsistent with the context or subject-matter—

* * * * *

S. 4(1) def. of
"Agreement"
repealed by
No. 10259 s. 8.

"**building**" includes a structure or a part of a structure;

"**Commonwealth**" means Commonwealth of Australia;

"**construct**", in relation to a building, includes—

- (a) build, re-build, erect or re-erect the building;
- (b) make structural alterations to the building;
- (c) enlarge or extend the building; and
- (d) place or re-locate the building on land;

"**co-operative**" has the same meaning that it has in the **Co-operatives Act 1996**;

S. 4(1) def. of
"co-operative"
inserted by
No. 106/2004
s. 3.

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Part I—Preliminary

s. 4

"Department" means the Department of Human Services established under the **Public Sector Management and Employment Act 1998**;

S. 4(1) def. of "Department" inserted by No. 106/2004 s. 3.

"development" in relation to land, means—

S. 4(1) def. of "development" amended by No. 53/1988 s. 45(Sch. 2 item 13).

- (a) the construction or demolition of a building on the land;
- (b) the carrying out of works in, on, over or under the land;
- (c) the making of a change in the use of the land;
- (d) the division of the land into two or more parts each capable of being separately occupied, used or disposed of or the resubdivision of land into different parts each capable of being separately occupied, used or disposed of;
- (e) the redevelopment of the land;

"Director" means the body corporate established under section 9;

"Director of Housing" means the Director of Housing appointed under section 9(1);

S. 4(1) def. of "Director of Housing" amended by No. 46/1998 s. 7(Sch. 1).

"governing body", in relation to a registered agency, means—

S. 4(1) def. of "governing body" inserted by No. 106/2004 s. 3.

- (a) the board of directors of the registered agency; or
- (b) the committee of management of the registered agency; or

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s. 4

S. 4(1) def. of
"Government
agency"
inserted by
No. 106/2004
s. 3.

- (c) any other body responsible for the management of the registered agency;

"Government agency" means—

- (a) the Crown;
- (b) a Government Department;
- (c) a public authority;
- (d) the Director;
- (e) a municipal council;

"hirer" means a person who enters into a hiring agreement with the Director;

"hiring agreement" means an agreement entered into under section 18(1) for the hiring by any person of a movable unit from the Director;

"house" means any building (whether temporary or permanent) or any part of a building which is or at any time has been used or is intended to be used as a dwelling and includes—

- (a) a flat;
- (b) any out-buildings, fences and other appurtenances to a house or flat;
- (c) any house to be erected or in the course of erection; and
- (d) any land on which the house is situated or is to be erected or is in the course of erection;

"incorporated association" means an association incorporated under the **Associations Incorporation Act 1981**;

S. 4(1) def. of
"incorporated
association"
inserted by
No. 106/2004
s. 3.

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Part I—Preliminary

s. 4

"inspector", in Part VIII, means—

- (a) the Registrar of Housing Agencies; or
- (b) an inspector appointed under that Part;

S. 4(1) def. of "inspector" inserted by No. 106/2004 s. 3.

"land" includes buildings and other structures, land covered with water and any interest (including any leasehold interest), easement or right in or over land;

"movable unit" means a house capable of being transferred from place to place;

* * * * *

S. 4(1) def. of "municipality" repealed by No. 12/1989 s. 4(1)(Sch. 2 item 61.1).

"non-profit body" means—

- (a) a corporation limited by shares or by guarantee that by its constitution is prohibited from carrying on its business for profit; or
- (b) a body that—
 - (i) is not carried on for the purposes of profit or gain to its individual members; and
 - (ii) is, by its constitution or rules, prohibited from making any distribution, whether in money, property or otherwise, to its members—

S. 4(1) def. of "non-profit body" inserted by No. 106/2004 s. 3.

but does not include a Government agency;

"owner" means the person for the time being entitled to receive the rent of the land in connexion with which the word is used (whether on that person's own account or as

S. 4(1) def. of "owner" amended by No. 26/1987 s. 21.

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s. 4

S. 4(1) def. of
"performance
standards"
inserted by
No. 106/2004
s. 3.

the agent of or as trustee for any other person) or who would be entitled to receive the rent if the land were let at a rent;

"performance standards", in Part VIII, means performance standards determined under that Part;

S. 4(1) def. of
"prescribed
registration
criteria"
inserted by
No. 106/2004
s. 3.

"prescribed" means prescribed by the regulations;

"prescribed registration criteria", in Part VIII, means—

- (a) the criteria set out in Schedule 7; and
- (b) any other registration criteria prescribed by the regulations for the purposes of Part VIII;

S. 4(1) def. of
"registered
agency"
inserted by
No. 106/2004
s. 3.

"public housing" means non-profit housing in the public sector;

"registered agency" means a registered housing association or a registered housing provider;

S. 4(1) def. of
"registered
housing
association"
inserted by
No. 106/2004
s. 3.

"registered housing association" means a rental housing agency registered as a registered housing association under Part VIII;

S. 4(1) def. of
"registered
housing
provider"
inserted by
No. 106/2004
s. 3.

"registered housing provider" means a rental housing agency registered as a registered housing provider under Part VIII;

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s. 4

"Registrar" means the body corporate established under Part VIII;

S. 4 def. of "registrar" repealed by No. 84/1996 s. 467(Sch. 6 item 8.1), new def. of "Registrar" inserted by No. 106/2004 s. 3.

"Registrar of Housing Agencies" means the Registrar of Housing Agencies appointed under Part VIII;

S. 4(1) def. of "Registrar of Housing Agencies" inserted by No. 106/2004 s. 3.

"relevant documents" in Part VIII, means records or other documents, however compiled, recorded or stored, that relate to the incorporation and management of a registered agency, including accounts, accounting records, and documents relating to transactions, dealings, business or property of the registered agency;

S. 4(1) def. of "relevant documents" inserted by No. 106/2004 s. 3.

"rental housing agency" means—

S. 4(1) def. of "rental housing agency" inserted by No. 106/2004 s. 3.

- (a) a corporation limited by shares or by guarantee that is a non-profit body and that provides or is established to provide rental housing; or
- (b) an incorporated association or non-trading co-operative that is a non-profit body and that provides or is established to provide rental housing;

"sale" includes any contract of sale subject to terms as to the repayment of purchase moneys over time;

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s. 5

S. 4(1) def. of
"Secretary"
inserted by
No. 106/2004
s. 3.

Victorian Legislation and Parliamentary Documents

"Secretary" means the Secretary to the Department;

"street" includes any street, road, lane, footway, square, court, alley, or right-of-way, whether a thoroughfare or not;

"Treasurer" means Treasurer of Victoria;

"vehicle" means a conveyance designed to be propelled or drawn by any means;

"works" means any operation carried out in, on, over or under land and, without limiting the generality of the foregoing, includes the construction of streets, the setting apart of any land for gardens, parks, open spaces or places of recreation and any alteration made to the natural condition or topography of land.

- (2) Where a word or phrase is given a particular meaning in this Act, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.

5. Act binds the Crown

This Act binds the Crown, not only in right of the State of Victoria but also, so far as the legislative power of Parliament permits, the Crown in all other capacities.

Division 2—Objects

6. Objects

(1) The objects of this Act are—

(a) to ensure that every person in Victoria has adequate and appropriate housing at a price within his or her means by encouraging—

(i) the provision of well maintained public housing of suitable quality and location;

(ia) the participation of non-profit bodies in the provision of well maintained, affordable rental housing of suitable quality and location;

S. 6(1)(a)(ia)
inserted by
No. 106/2004
s. 4(1).

(ii) the distribution, according to need, of Government housing financial assistance;

S. 6(1)(a)(ii)
substituted by
No. 106/2004
s. 4(2).

(iii) the promotion of the orderly planning, assembly and development of land;

(b) to expand and develop the role of the public sector in the provision of housing;

(c) to promote cost effectiveness in the provision of housing;

(d) to promote the integration of public and private housing;

(e) to provide in the public sector a variety of housing types in various locations;

(ea) to provide a regulatory framework to encourage the development of rental housing agencies serving the housing needs of low-income tenants by providing for the registration of those rental housing agencies and the regulation and monitoring of registered agencies;

S. 6(1)(ea)
inserted by
No. 106/2004
s. 4(3).

