

South Australia

Housing Improvement (Section 60 Statements) Regulations 2016

under the *Housing Improvement Act 1940*

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1—Short title

These regulations may be cited as the *Housing Improvement (Section 60 Statements) Regulations 2016*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Housing Improvement Act 1940*.

4—Applications under section 60 of Act

- (1) Subject to subregulation (2), an application to the housing authority under section 60 of the Act—
 - (a) must be in the form set out in Form 1 of Schedule 1; and
 - (b) must be accompanied by a fee of \$34.25.
- (2) An application must not refer to more than 1 house.

5—Statements under section 60 of Act

- (1) A statement by the housing authority in relation to an application under section 60 of the Act must be in the form set out in Form 2, 3 or 4 (as the case requires) of Schedule 1.
- (2) For the purposes of section 60(1)(b) of the Act, details of every Gazette notice published under section 54 of the Act in relation to the house the subject of the application (including the date of the notice and the amount of the maximum rental fixed) must be included in the statement if—
 - (a) the applicant so requests; or
 - (b) a notice has been served under section 52(1) of the Act (and not withdrawn under section 52(4) of the Act), or is in force under section 52(3) or 54 of the Act, in relation to the house,

(unless the housing authority considers it inappropriate to disclose that information in a particular case).

Schedule 1—Application forms and forms of statements under section 60 of Act

1—Form 1—Application form

Name of applicant:

Address for delivery or posting of statement:

Address of house in respect of which this application is made*:

If the house is 1 of a block of flats or units, state the flat or unit number:

If the house is on an allotment where there is more than 1 house, state the location of the house (eg on the southern side of the allotment):

Are details required of previous maximum rentals fixed for the house? YES/NO

Signature of applicant:.....

Date:

**The application must not relate to more than 1 house.*

The completed form and the application fee of \$..... are to be forwarded to: the South Australian Housing Trust, Riverside Centre, North Terrace, Adelaide 5000.

2—Form 2—Section 60 statement—no current notice

Name of applicant:

Date of application:

Reference number:

Address or description of house in respect of which statement is made:

Date of this statement:

STATEMENT

The house described above is not, at the date of this statement, subject to any of the following notices:

- a notice stating the housing authority's intention to declare the house to be substandard under section 52(1) of the Act;
- a notice declaring the house to be substandard under section 52(3) of the Act;
- a notice fixing the maximum rental payable under section 54 of the Act.

Signed:.....

per South Australian Housing Trust (the housing authority)

Riverside Centre

North Terrace Adelaide SA 5000

Note—

Inquiries in respect of legislation other than Part 7 of the Act should be directed to the appropriate authority.

3—Form 3—Section 60 statement—no current notice and requested details of past notices

Name of applicant:

Date of application:

Reference number:

Address or description of house in respect of which statement is made:

Date of this statement:

STATEMENT

Current notices:

The house described above is not, at the date of this statement, subject to any of the following notices:

- a notice stating the housing authority's intention to declare the house to be substandard under section 52(1) of the Act
- a notice declaring the house to be substandard under section 52(3) of the Act
- a notice fixing the maximum rental payable under section 54 of the Act.

Requested details of past notices:

Previously [*delete whichever of the following does not apply*]—

- no maximum rentals have been fixed in respect of the house
- maximum rentals have been fixed in respect of the house as follows [*include date of publication of Gazette notice and maximum rental amount fixed per week*]:

Signed:.....

per South Australian Housing Trust (the housing authority)

Riverside Centre

North Terrace Adelaide SA 5000

Note—

Inquiries in respect of legislation other than Part 7 of the Act should be directed to the appropriate authority.

4—Form 4—Section 60 statement—current notices and details of past notices

Name of applicant:

Date of application:

Reference number:

Address or description of house in respect of which statement is made:

Date of this statement:

STATEMENT

Current notices:

The house described above is, at the date of this statement, subject to the following notices: *[delete whichever of the following do not apply]*

- a notice stating the housing authority's intention to declare the house to be substandard under section 52(1) of the Act *[include date of service of the notice and the Trust's reasons for forming the view that the house is undesirable or unfit for human habitation]*
- a notice declaring the house to be substandard under section 52(3) of the Act *[include date of publication of Gazette notice]*
- a notice fixing the maximum rental payable under section 54 of the Act *[include date of publication of the Gazette notice and the maximum rental amount fixed per week]*

Details of past notices:

Previously *[delete whichever of the following does not apply]*—

- no maximum rentals have been fixed in respect of the house
- maximum rentals have been fixed in respect of the house as follows *[state date of publication of Gazette notice and rental amount per week]*:

Signed:.....

per South Australian Housing Trust (the housing authority)

Riverside Centre

North Terrace Adelaide SA 5000

Note—

1. The Act makes provision for applications to vary the maximum rental.
2. Inquiries in respect of legislation other than Part 7 of the Act should be directed to the appropriate authority.

Schedule 2—Revocation of *Housing Improvement (Section 60 statements) Regulations 2001*

The *Housing Improvement (Section 60 statements) Regulations 2001* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 1 September 2016

No 214 of 2016

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