

South Australia

South Australian Co-operative and Community Housing (Associated Land Owners) Regulations 2002

under the *South Australian Co-operative and Community Housing Act 1991*

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Legislative history

1—Short title

These regulations may be cited as the *South Australian Co-operative and Community Housing (Associated Land Owners) Regulations 2002*.

2—Commencement

These regulations will come into operation on the day on which the *South Australian Co-operative and Community Housing (Associated Land Owners) Amendment Act 2001* comes into operation.

3—Interpretation

In these regulations—

Act means the *South Australian Co-operative and Community Housing Act 1991*;

associated land owner agreement means an agreement entered into between the Authority and an associated land owner under clause 1 of Schedule 2 of the Act;

related housing association agreement, in relation to an associated land owner agreement, means the agreement relating to the construction, development or improvement of housing on the land the subject of the associated land owner agreement, entered into under Division 3 of Part 7 of the Act (see clause 7 of Schedule 1) between the Authority and the registered housing association to which the land is leased.

4—Terms to be included in associated land owner agreement

- (1) For the purposes of clause 1 of Schedule 2 of the Act and subject to subregulation (2), the following are prescribed terms to be contained in an associated land owner agreement:
 - (a) terms requiring the land to be leased to a registered housing association approved by the Authority on terms approved by the Authority, at all times during the term of the agreement (except as approved by the Authority);

- (b) terms prohibiting the associated land owner from selling, transferring, assigning, mortgaging or otherwise dealing with the land (except as referred to in paragraph (a)) without the Authority's approval;
 - (c) terms requiring the associated land owner to facilitate, insofar as it is in a position to do so, performance of the related housing association agreement;
 - (d) terms prohibiting the associated land owner from developing or making improvements to the land (other than those required or authorised by or under the related housing association agreement) without the Authority's approval;
 - (e) terms providing that all improvements on the land required or authorised by or under the related housing association agreement will be owned by, and be the responsibility of, the associated land owner;
 - (f) terms requiring the associated land owner to keep the land and all improvements on the land in good order and repair;
 - (g) terms requiring the associated land owner to maintain insurance (including public liability insurance) in respect of the land to a specified extent;
 - (h) terms requiring the associated land owner to make available, or cause to be made available, services to tenants or potential tenants of the registered housing association that leases the land of a kind and standard specified in the agreement;
 - (i) terms requiring the associated land owner to provide an annual report to the Minister relating to the provision of services of the kind referred to in paragraph (h) in the manner and form required by the Minister;
 - (j) terms requiring the associated land owner to maintain records and provide information to the Authority as specified in the agreement or as the Authority may from time to time require;
 - (k) terms requiring the associated land owner to facilitate the Authority gaining access to the land at any reasonable time following reasonable notice;
 - (l) terms specifying the term of the agreement;
 - (m) terms specifying the circumstances in which the agreement may be terminated earlier and the consequences of early termination (which may include, in relation to early termination by the associated land owner, a requirement to pay a specified amount or an amount determined in a specified manner to the Authority).
- (2) The prescribed terms apply only to the extent that the matters are not covered by terms of the related housing association agreement.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

These regulations became obsolete on the repeal of the *South Australian Co-operative and Community Housing Act 1991* on 1.4.2014.

However, the Act will continue to apply to certain transitioning entities under Sch 3 Pt 4 of the *Community Housing Providers (National Law) (South Australia) Act 2013*. These regulations continue to apply on the same basis.

Principal regulations

Year	No	Reference	Commencement
2002	6	<i>Gazette 15.1.2002 p211</i>	17.1.2002: r 2