



*Housing Act 2003*

# Housing Regulation 2003

Reprinted as in force on 1 July 2006

Reprint No. 1E

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**Also see endnotes for information about—**

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Queensland

# Housing Regulation 2003

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# Housing Regulation 2003

[as amended by all amendments that commenced on or before 1 July 2006]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Housing Regulation 2003*.

### 2 Commencement

- (1) This regulation, other than the provisions mentioned in subsections (2) and (3), commences on 1 January 2004.
- (2) The following provisions commence on 1 July 2004—
  - part 2, other than section 14(1)(c)
  - section 62
  - schedule 5, definitions *accounting standards, assistance agreement, client, eligible person, establishing Act, funded property, implement, keep, National Community Housing Standards, officer, provider, Queensland Standards and Accreditation Council, receipts, relevant goods or services, service, tenancy agreement* and *tenant*.
- (3) Section 14(1)(c) commences on 1 January 2005.

### 3 Dictionary

The dictionary in schedule 5 defines particular words used in this regulation.

### 4 Meaning of *housing service*—Act, s 8

- (1) This section applies if—

- (a) a registered provider is given help to provide a housing service; and
  - (b) the help is given by, or through the use of, a resource worker.
- (2) For section 8(d) of the Act, giving the help to the registered provider is a housing service.

*Examples of help that may be given—*

- a resource worker contributes towards communication and information infrastructure
  - a resource worker identifies training needs and facilitates appropriate training.
- (3) In this section—

*resource worker* means a person who is employed by a registered provider as a housing resource worker to give help to other registered providers or to organisations proposing to provide a funded service.

## **Part 2                      Prescribed requirements**

### **Division 1                  Preliminary**

#### **5                      Prescribed requirements—Act, s 33**

This part prescribes the requirements relating to the provision of a funded service (the *service*) by a registered provider (the *provider*).

#### **6                      When the requirements apply**

Except where otherwise stated in this part, the prescribed requirements apply to the provider only while it is providing the service or is required under the assistance agreement to be providing the service.



**7 Requirement to *keep* a document**

A requirement under this part that the provider *keep* a document is a requirement that the provider prepare the document and keep it up-to-date.

**8 Requirement to *implement* a document**

A requirement under this part that the provider *implement* a document is a requirement that, when providing the service, the provider—

- (a) implement the procedures stated in the document; and
- (b) comply with the policies or other matters stated in the document.

**Division 2 Financial management and accountability****9 Financial management and accountability generally**

- (1) The provider must ensure—
  - (a) appropriate financial delegations are in place; and
  - (b) appropriate internal controls are in place to prevent misuse or misappropriation of funds.
- (2) The provider must keep a record of the delegations and controls.
- (3) The provider must have accounting and financial record-keeping systems that allow assistance provided by the chief executive to be accurately identified and accounted for.
- (4) The provider must keep the accounting records necessary to comply with this part.

**10 Budget**

- (1) This section applies to the provider in relation to a financial year in which it provides the service or is required under the assistance agreement to provide the service.

- (2) At the start of the financial year, the provider must prepare a budget for the financial year that includes expected income, expected expenditure and cash flow projections.
- (3) During the financial year, the provider must—
  - (a) regularly review its actual income, expenditure and cash flow against the amounts stated in its budget; and
  - (b) make the revisions to the budget that are necessary or appropriate to ensure the service is viable and sustainable and the provider has enough funds to meet its debts and expected expenditure.
- (4) If, in compliance with the assistance agreement, the provider only provides the service for part of the financial year, subsections (2) and (3) apply as if a reference to the financial year were a reference to the part of the financial year for which the service is provided.

## **11 Financial reporting**

- (1) This section applies to the provider in relation to a financial year in which it provides the service or is required under the assistance agreement to provide the service.
- (2) The provider must prepare, for the financial year, annual financial statements complying with the accounting standards.
- (3) The provider must ensure the statements are audited in compliance with its establishing Act.<sup>1</sup>
- (4) The provider must give to the chief executive, by the due day after the financial year, the following documents—
  - (a) an audited copy of each of the annual financial statements;
  - (b) the auditor's report;
  - (c) an annual report;
  - (d) if the provider is required under its establishing Act to hold an annual general meeting—the minutes of the meeting.

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<sup>1</sup> See also section 40 (Audit requirements for a small proprietary company).

- (5) To remove any doubt, it is declared this section applies to the provider even if—
- (a) the provider does not provide, or is not required to provide, the service for the whole of the financial year; or
  - (b) the provider stops providing the service before fully complying with this section.
- (6) In this section—
- due day* means the due day stated in the assistance agreement or otherwise agreed to by the chief executive and the provider or, if no due day is agreed to, 31 October.

## **12 Assistance and other receipts to be used for agreed purpose**

The provider must conduct its operations in a way that ensures assistance provided by the chief executive, and other receipts for the service, are used for the agreed purpose in compliance with the assistance agreement.

## **13 Return of surplus amounts**

- (1) This section applies to an amount if—
- (a) the amount is comprised of receipts for the service; and
  - (b) under the assistance agreement, the amount is required to be expended during a particular time; and
  - (c) at the end of the time, the amount has not been expended.
- (2) While the assistance agreement mentioned in subsection (1)(b) is in force, the chief executive may give the provider a notice requiring the provider to pay the amount to the chief executive.
- (3) The provider must comply with the chief executive's requirement within 8 weeks.

**14 Use of funded property as security**

- (1) The provider must not use funded property as security for a loan unless—
  - (a) it is a company registered under the Corporations Act; and
  - (b) it has a constitution that—
    - (i) includes a social housing object; and
    - (ii) requires that, if it is wound up, its surplus assets, if any, must be distributed to another registered provider approved by the chief executive for the distribution; and
  - (c) it has—
    - (i) accreditation from the Queensland Standards and Accreditation Council on the basis of meeting the National Community Housing Standards; or
    - (ii) other accreditation the chief executive considers appropriate for this section.
- (2) In this section—

*social housing object* means an object about providing access to affordable rental housing to persons in need, including members of low income households.

*surplus assets*, for a provider, means the provider's remaining assets after discharge of the provider's liabilities and payment of the costs of winding up the provider.

**15 Insurance**

- (1) The provider must ensure there is in force, for the service, adequate insurance cover to manage the risks to the provider.
- (2) Without limiting subsection (1), the insurance cover must comply with any requirements under another law or the assistance agreement.

## **Division 3                      Governance**

### **16            Conflicts of interest**

- (1) The provider must keep and implement a policy about conflicts of interest of its officers, employees and volunteer workers.
- (2) The policy must include guiding principles and procedures for identifying, declaring and dealing with conflicts of interest.
- (3) The provider must keep a record of each instance of a conflict of interest arising in the provision of the service and how the matter was dealt with.
- (4) In this section—  
*conflict of interest* includes a potential conflict of interest.

### **17            Confidentiality**

- (1) The provider must keep and implement a policy about dealing with confidential information arising from the provision of the service, including information about clients, employees, members and officers.
- (2) The policy must include the obligations of officers, employees and volunteer workers relating to the information.
- (3) The provider must ensure documents containing the information are kept secure to prevent inappropriate or unauthorised access to, or disclosure of, the information.
- (4) If the provider stops providing the service, this section continues to apply to the provider in relation to the information.

### **18            Delegations**

- (1) This section applies if the provider makes a delegation to an officer or employee relating to the service.
- (2) The provider must take reasonable steps to ensure the officer or employee has a sufficient knowledge of the delegation.
- (3) The provider must keep a record of the delegation.

**19 Roles and responsibilities of officers**

- (1) The provider must keep a written statement of each officer's role and responsibilities relating to the service.
- (2) The provider must take reasonable steps to ensure the officer has a sufficient knowledge of the role and responsibilities.

**20 Officers' knowledge of legislation and governing documents**

- (1) The provider must take reasonable steps to ensure each officer has a sufficient knowledge of the prescribed documents including, in particular, the provider's obligations under the documents relevant to providing the funded service.
- (2) In this section—  
*prescribed documents* means—
  - (a) the Act and this regulation; and
  - (b) any constitution or other governing document of the provider; and
  - (c) the provider's establishing Act.

**21 Employment matters**

- (1) The provider must keep and implement—
  - (a) a policy to ensure it complies with its legislative obligations as an employer; and
  - (b) a policy for ensuring its staff selection processes are fair, transparent and based on equal opportunity principles.
- (2) The provider must have a written employment contract with each employee.
- (3) The provider must keep a written position description for each employee.
- (4) The provider must take reasonable steps to ensure each employee has a sufficient knowledge of, and competency to effectively perform, the employee's role and responsibilities stated in the position description.

**22 Dispute resolution**

The provider must keep and implement a policy about dealing with, and resolving, disputes involving officers, employees or volunteer workers.

**Division 4 Service delivery****23 Information about the service**

- (1) The provider must ensure clients and eligible persons have access to—
  - (a) information about—
    - (i) the availability of the relevant goods or services; and
    - (ii) the fees relating to the relevant goods or services; and
    - (iii) the provider's hours of operation; and
    - (iv) how the relevant goods or services may be accessed; and
  - (b) copies of the policies kept under this division and division 5.
- (2) The provider must comply with any requirements under the assistance agreement about promoting the availability of the service and publishing information about the service.

**24 Access to the service**

The provider must take reasonable steps to—

- (a) provide equitable access to the service for eligible persons; and
- (b) identify and address any barriers to accessing the service that may exist for particular groups of eligible persons.

**25 Referrals policy**

- (1) The provider must keep and implement a referrals policy, complying with the assistance agreement, to ensure clients and eligible persons have access to the most appropriate housing services and other services.
- (2) In this section—

*referrals policy* means a policy about—

  - (a) referring clients to other entities that provide housing services or other services, including by giving information to clients about the entities and helping clients to contact the entities; and
  - (b) accepting referrals from other entities.

**26 Eligibility policy**

- (1) The provider must keep an eligibility policy complying with the assistance agreement.
- (2) The provider must implement the policy consistently and fairly.
- (3) In this section—

*eligibility policy* means a policy stating the criteria and procedures for deciding eligibility for the relevant goods or services.

**27 Allocations policy**

- (1) The provider must keep an allocations policy, complying with the assistance agreement, that has sufficient regard to—
  - (a) the needs of clients and other eligible persons for relevant goods or services; and
  - (b) the impact of an allocation to a client on other clients and eligible persons.
- (2) In particular, if the provider enters into tenancy agreements in the course of providing the service, the policy must make appropriate provision for matching clients' needs with the size, type and location of residential premises allocated to them.



(3) The provider must implement the policy consistently and fairly.

(4) In this section—

***allocations policy*** means a policy stating the criteria and procedures for prioritising the needs of clients and other eligible persons and allocating relevant goods or services to clients.

## **28 Contributions policy**

The provider must keep and implement a policy about the fees or other amounts relating to the provision of relevant goods or services, other than rent, payable to it by clients.

## **29 Dispute resolution and review of decisions**

(1) The provider must keep and implement policies about—

- (a) dealing with, and resolving, disputes involving clients; and
- (b) reviewing its decisions relating to clients.

(2) The policies must—

- (a) include appropriate provision about giving written reasons to clients for decisions relating to them; and
- (b) include provision to ensure that, if an application is made for resolution of a dispute or review of a decision—
  - (i) the applicant is given a written response; and
  - (ii) the matter is dealt with promptly; and
  - (iii) the person dealing with the matter has no personal interest in the matter; and
  - (iv) for an application for review of a decision—the person dealing with the application is not the original decision maker.

(3) In this section—

***dispute*** includes complaint.

**30 Feedback**

The provider must have appropriate arrangements for obtaining feedback from clients about its provision of the service.

**31 Hours of operation and contact arrangements**

The provider must have hours of operation, and arrangements for contact with clients, that comply with the assistance agreement and are appropriate for the service.

**Division 5 Tenancy matters****32 Application of div 5**

This division applies if the provider enters into tenancy agreements in the course of providing the service.

**33 Knowledge of Residential Tenancies Act**

The provider must ensure that each officer, employee or volunteer worker involved in tenancy management has a sufficient knowledge of the *Residential Tenancies Act 1994*.

**34 Rent**

- (1) The provider must keep a rent policy, complying with the assistance agreement, that includes appropriate provision for—
  - (a) explaining rent calculations to tenants and dealing with their queries or concerns about matters relating to rent; and
  - (b) giving tenants a choice of rent payment methods; and
  - (c) preventing serious rent arrears.
- (2) The provider must implement the policy consistently and fairly.

- (3) While a tenancy agreement is in force, and for at least 6 months after it ends, the provider must keep a record of the rent calculations for the agreement.
- (4) In this section—

***rent policy*** means a policy stating criteria and procedures relating to rent under tenancy agreements, including—

  - (a) setting the amount of rent; and
  - (b) calculating rent payments; and
  - (c) collecting rent; and
  - (d) managing rent arrears.

### **35 Notices to leave**

- (1) This section applies if the provider gives a notice to leave under the *Residential Tenancies Act 1994* that results in termination of a tenancy agreement.
- (2) The provider must keep a record of the notice, including—
  - (a) the tenant to whom it was given; and
  - (b) the day it was given; and
  - (c) the reason for giving it; and
  - (d) if it relates to a breach of the tenancy agreement by the tenant, the steps taken by the provider to resolve the breach other than giving the notice.

### **36 Maintenance of residential premises**

- (1) This section applies to the residential premises under the provider's tenancy agreements.

- (2) The provider must maintain the premises in a condition that meets the provider's obligations under the *Residential Tenancies Act 1994*, section 103(2)(b) to (d) and (3)(a) to (c).<sup>2</sup>
- (3) The provider must ensure maintenance work for the premises is carried out lawfully.
- (4) The provider must keep and implement the following documents for the premises—
  - (a) an annual maintenance plan;
  - (b) an annual budget for maintenance work;
  - (c) a policy for establishing maintenance priorities.
- (5) The provider must ensure appropriate delegations are in place for prioritising and approving maintenance work for the premises.
- (6) The provider must keep a record of maintenance work carried out for the premises.

### **37 Fire safety**

The provider must take reasonable steps to ensure the tenants, and other persons using the residential premises, have a sufficient knowledge of—

- (a) the fire safety plans applying to the premises; and
- (b) the use of fire safety equipment in the premises.

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<sup>2</sup> *Residential Tenancies Act 1994*, section 103(2)(b) to (d) and (3)(a) to (c)—

#### **103 Lessor's obligations generally**

- (2) At the start of the tenancy, the lessor must ensure—
  - (b) the premises are fit for the tenant to live in; and
  - (c) the premises and inclusions are in good repair; and
  - (d) the lessor is not in breach of a law dealing with issues about the health or safety of persons using or entering the premises.
- (3) While the tenancy continues, the lessor—
  - (a) must maintain the premises in a way that the premises remain fit for the tenant to live in; and
  - (b) must maintain the premises and inclusions in good repair; and
  - (c) must ensure any law dealing with issues about the health or safety of persons using or entering the premises is complied with.

## **Division 6                    Other property matters**

### **38        Asset management plan**

- (1) The provider must keep and implement an asset management plan, for all the funded property it owns, to—
  - (a) ensure each property is appropriate for the type of service, the needs of persons accessing the service and the circumstances in which it operates; and
  - (b) maintain the long-term viability and value of each property.
- (2) The plan must include financial strategies for its implementation.

## **Division 7                    Miscellaneous**

### **39        Preparation or submission of documents generally**

The provider must comply with a requirement of the chief executive to prepare or give to the chief executive, within a stated reasonable time, a document containing—

- (a) stated financial information relating to the service; or
- (b) stated non-identifying information about the provider's clients; or
- (c) stated information about the use of funded property or another matter relating to provision of the service.

### **40        Audit requirements for a small proprietary company**

- (1) This section applies to the requirement under section 11(3)<sup>3</sup> about the auditing of statements prepared by the provider if—
  - (a) the provider is a small proprietary company under the Corporations Act; and

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3        Section 11 (Financial reporting)

- (b) the statements are not required to be audited under chapter 2M, part 2M.3, division 3<sup>4</sup> of that Act.
- (2) Section 11(3) applies as if the statements were required to be audited under that division.

## **Part 3    Contracts register**

### **41            Chief executive to keep contracts register**

- (1) The chief executive must keep a contracts register.
- (2) The chief executive may keep the contracts register in the form the chief executive considers appropriate.

### **42            Particulars that must be recorded**

The chief executive must record in the contracts register particulars about—

- (a) a section contract, including the name of the purchaser under the contract; and
- (b) documents lodged with the chief executive about a section contract, including when they were lodged; and
- (c) registrable documents lodged with the chief executive about a section contract, and when they were recorded; and
- (d) anything else about a section contract the chief executive considers should be recorded to ensure the register is an accurate, comprehensive and useable record of the contracts.

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4    Corporations Act, chapter 2M (Financial reports and audit), part 2M.3 (Financial reporting), division 3 (Audit and auditor's report)

**43 Recording ending of contract**

Without limiting section 42(d), the chief executive may note the contracts register about the ending of a section contract, including—

- (a) when the contract ends; and
- (b) the reason for the ending, including, for example, because—
  - (i) the amount payable under the contract has been fully paid; or
  - (ii) the purchaser under the contract has breached the terms of the contract.

**44 Other information may be kept**

The chief executive may keep, separately from the contracts register, information the chief executive considers necessary or desirable for the effective or efficient operation of the register.

**45 Documents form part of a register**

- (1) A document forms part of the contracts register from when it is lodged.
- (2) A document is registered when the particulars about the document are recorded in the contracts register.

**46 Entitlement to search register**

- (1) A person may, after paying the fee stated in schedule 3—
  - (a) search and obtain a copy of—
    - (i) particulars recorded in the contracts register about a section contract; or
    - (ii) a document lodged but not registered (whether or not it has been cancelled); or
    - (iii) a registered document; or
    - (iv) information kept under section 44; and

- (b) obtain a copy of the things mentioned in paragraph (a) certified by the chief executive to be an accurate copy.
- (2) Subsection (1)(a)(ii) and (iii) do not apply to a document disposed of by the chief executive under the *Public Records Act 2002*.
- (3) The chief executive may certify a copy of a document mentioned in subsection (1)(a).
- (4) A document purporting to be a certified copy of a document mentioned in subsection (1)(a) is evidence of the original of the document.

#### **47 Chief executive may correct contracts register**

- (1) The chief executive may correct the contracts register if the chief executive is satisfied—
  - (a) the register is incorrect; and
  - (b) the correction will not prejudice the rights of a purchaser.
- (2) The chief executive's power to correct the contracts register includes power to correct—
  - (a) a particular in the register; or
  - (b) a document forming part of the register.
- (3) If a particular or a document is corrected, the chief executive must record in the register—
  - (a) the state of the register before the correction; and
  - (b) the day and circumstances of the correction.

#### **48 Requisitions**

- (1) The chief executive may, by written notice (a *requisition*) given to a person who has lodged a document, require the person to—
  - (a) re-execute, complete or correct the document if it appears to the chief executive to be wrong, incomplete or defective; or



- (b) produce to the chief executive stated information, or deposit a stated document, in support of the person's application to register the document lodged.
- (2) The requisition may require a document or information to be verified by statutory declaration or affidavit.
- (3) The requisition may state when it must be complied with.
- (4) The chief executive may extend the time for complying with the requisition.
- (5) The chief executive may refuse to deal with a document lodged by a person until the person complies with the requisition and pays the fee prescribed in schedule 3.

#### **49 Registering death of joint purchaser**

- (1) A person may ask the chief executive to register the death of a person who is a purchaser as a joint tenant under a section contract (a *joint purchaser*).
- (2) The chief executive may only register particulars about the death of a joint purchaser if a request to register the change is lodged.

#### **50 Registering personal representative**

- (1) A person may ask the chief executive to register the death of a purchaser under a section contract and to register the person as the purchaser's personal representative.
- (2) The chief executive may register a person as personal representative only if—
  - (a) a request under subsection (1) is lodged; and
  - (b) 1 of the conditions specified in subsection (3) is satisfied.
- (3) The conditions referred to in subsection (2)(b) are the following—
  - (a) if the person has obtained a grant of representation—the grant, or an office copy of the grant issued by the Supreme Court, is given to the chief executive;

- (b) if paragraph (a) does not apply and a purchaser died without a will—
    - (i) letters of administration of the purchaser's estate have not been granted in Queensland within 6 months after the purchaser's death; and
    - (ii) the gross value of the purchaser's estate in Queensland on the day of the purchaser's death is not more than \$150000; and
    - (iii) the chief executive believes the person has a right to obtain a grant of representation;
  - (c) if paragraph (a) does not apply and the purchaser died leaving a will—the chief executive believes the person has a right to obtain a grant of representation.
- (4) A person registered as personal representative without a grant of representation has the same interest in a section contract as if the person had obtained a grant of representation.
  - (5) The validity of an act done or payment made in good faith under a section contract by a person registered as personal representative is not affected by a later grant of representation.
  - (6) If the person who obtains a grant of representation (the *grantee*) is different from the person registered as personal representative, the person must—
    - (a) account to the grantee for an interest in a section contract controlled by the person before the grant was made; and
    - (b) take all action necessary to vest in the grantee the interest in the contract remaining under the person's control.
  - (7) In a section contract, a reference to a purchaser includes a reference to the purchaser's personal representative.
  - (8) However, subsection (7) applies only to the extent that there is no contrary intention in the section contract.

**51 Registering person beneficially entitled**

- (1) A person beneficially entitled under a will to a purchaser's interest in a section contract may lodge a request to register a transmission of the interest to that person.
- (2) However, the chief executive may register a transmission under subsection (1) only if—
  - (a) a request under subsection (1) is lodged; and
  - (b) the purchaser's personal representative gives written approval; and
  - (c) the chief executive is satisfied the person is beneficially entitled to the interest.

**52 Registering other dealings**

- (1) The chief executive may register particulars about each of the following dealings only if a request to register the dealing is lodged—
  - (a) a change or correction of name of a purchaser under a section contract;
  - (b) a court order affecting, whether directly or indirectly, a purchaser's interest in a section contract;
  - (c) a court order setting aside a court order mentioned in paragraph (b);
  - (d) a power of attorney, under which an attorney has power to act on a purchaser's behalf under a section contract or another document lodged;
  - (e) a revocation of a power of attorney mentioned in paragraph (d);
  - (f) a transmission of a purchaser's interest in a section contract under a law about bankruptcy;
  - (g) a disclaimer of an interest in a section contract under a law about bankruptcy;
  - (h) an assignment of a purchaser's interest in a section contract;
  - (i) severance of a joint tenancy between joint purchasers under a section contract.

- (2) A request to register lodged under subsection (1)—
  - (a) must be in writing; and
  - (b) if the request is a registrable document—must be in the form (if any) approved by the chief executive under section 53.

### **53 Form of registrable documents**

- (1) The chief executive may approve the form of a registrable document.
- (2) If the form of a registrable document has been approved under subsection (1), a registrable document may be registered by the chief executive only if it is in the approved form.
- (3) However, if a registrable document is not in the approved form, the chief executive may register the document if the chief executive considers it appropriate in the circumstances.

## **Part 4 Fees**

### **54 Fees**

- (1) Subject to subsections (2) and (3), the fees payable under the Act are stated in schedule 3.
- (2) Subsection (3) applies if the chief executive believes that by reducing the application fee for a particular loan product, or not requiring payment of an application fee for a particular loan product, the chief executive may achieve, or better achieve—
  - (a) an object of the Act;<sup>5</sup> or
  - (b) the administration of the Act in a way that has sufficient regard to a guiding principle under the Act.<sup>6</sup>

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5 Section 4 (Main objects) of the Act

6 Section 6 (Guiding principles) of the Act

- (3) The chief executive may, by gazette notice, declare that—
- (a) the application fee for a stated loan product is a stated amount less than the application fee prescribed under schedule 3, part 1 for the loan product; or
  - (b) no fee is payable for an application for a particular loan product.
- (4) In this section—
- loan product* means a type of loan the chief executive decides to make available, including, for example, a type of loan that is—
- (a) for a particular purpose; or
  - (b) targeted for a particular client group.

## **55 Exemption from payment of fees**

The chief executive may exempt a person from paying a fee or part of a fee if the chief executive is satisfied the person is suffering hardship.

## **56 Expenses of taking possession**

- (1) This section applies if—
- (a) the chief executive takes possession of land under a section contract; and
  - (b) the section contract provides for an amount to be paid to the chief executive for the expenses of taking possession.
- (2) The purchaser under the contract must pay the chief executive the chief executive's actual expenses of taking possession.

## Part 5 Miscellaneous

### 57 Prescribed housing service information—Act, s 18

- (1) Subsection (2) applies only to housing service information given to the chief executive by a person to whom the State has provided public housing under a residential tenancy agreement (the *housed person*).
- (2) For section 18<sup>7</sup> of the Act, the following housing service information is prescribed—
  - (a) information about the identity and income of any person residing in the public housing during the tenancy period, including information about a person who—
    - (i) ceases to be an occupant; or
    - (ii) becomes an occupant;
  - (b) information about the number of persons occupying the public housing at a time during the tenancy period.
- (3) In this section—

*tenancy period* means the period while the public housing is occupied under the residential tenancy agreement, including any renewal or extension of the residential tenancy agreement.

### 58 Standard interest rate policy—Act, s 92

The policy stated in schedule 1 is prescribed for section 92(3)<sup>8</sup> of the Act.

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7 Section 18 (Notice of changes in information) of the Act

8 Section 92 (Standard interest rates) of the Act

## **Part 6                      Repeals and transitional**

### **Division 1                Repeal**

#### **60        Repeal**

The State Housing Regulation 1998 SL No. 117 is repealed.

### **Division 2                Transitional**

#### **61        Definitions for div 2**

In this division—

*commencement day* means the day this division commences.

*repealed regulation* means the *State Housing Regulation 1998*.

#### **62        Current securities**

Section 14<sup>9</sup> does not apply to a security given by a registered provider before the day section 14(1)(a) and (b) commence.<sup>10</sup>

#### **63        Contracts register under repealed regulation**

The contracts register (the *former register*) kept under the repealed regulation immediately before the commencement day is taken to be part of the contracts register kept by the chief executive under section 41(1).

#### **64        Requisitions under repealed regulation**

A requisition given to a person under section 10(1) of the repealed regulation before the commencement day and not fully dealt with before the commencement day is taken to be a

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9     Section 14 (Use of funded property as security)

10    Section 14 (1)(a) and (b) commenced 1 July 2004.

requisition given to the person by the chief executive under section 48.

## **65 Requests about dealings**

- (1) This section applies to a request made to the commission under section 11, 12 or 13 of the repealed regulation and not fully dealt with before the commencement day.
- (2) The request is taken to be a request to the chief executive under this regulation.

## **66 Certain covenants not affected by repeals**

- (1) This section applies to a bill of mortgage, memorandum of mortgage or contract of sale—
  - (a) to which section 14 of the former regulation and section 19 of the repealed regulation applied; and
  - (b) under which an advance, loan or other financial provision by the commission was not fully repaid immediately before the commencement day.
- (2) The operation of section 14 of the former regulation does not end merely because of the repeal of the former regulation and the repealed regulation.
- (3) In this section—

*former regulation* means the *State Housing Regulation 1986*.



## Schedule 1      Interest rate policy

section 58

### 1      Definitions for schedule

In this schedule—

*bank standard fixed interest rates*, for a period, means the standard fixed interest rates charged by the major banks for a residential loan for the period.

*bank standard variable interest rates* means the standard variable interest rates charged by the major banks for a residential loan.

*chosen day* means the day, chosen by the chief executive at the time of declaring a standard interest rate, that is within 1 month before the chief executive sets the rate.

*major banks* means the following—

- (a) Australia and New Zealand Banking Group Limited ACN 005 357 522;
- (b) Commonwealth Bank of Australia ACN 123 123 124;
- (c) National Australia Bank Limited ACN 004 044 937;
- (d) Westpac Banking Corporation ACN 007 457 141.

*residential loan* means a loan secured by a mortgage over a residential property that is occupied by the mortgagor under the mortgage.

### 2      Standard fixed rate

For declaring the standard fixed interest rate for a period, the rate set must not be—

- (a) more than the highest of the bank standard fixed interest rates, for the period, applicable on the chosen day for the setting; or
- (b) less than the lowest of the bank standard fixed interest rates, for the period, applicable on the chosen day.

## Schedule 1 (continued)

**3 Standard variable rate**

For declaring the standard variable interest rate, the rate set must not be—

- (a) more than the highest of the bank standard variable interest rates applicable on the chosen day for the setting; or
- (b) less than the lowest of the bank standard variable interest rates applicable on the chosen day.

## **Schedule 2      Registrable documents**

schedule 5, definition *registrable document*

- 1 A request to register a change or correction of name of a purchaser under a section contract.
- 2 A request to register a court order affecting, whether directly or indirectly, a purchaser's interest in a section contract.
- 3 A request to register a court order setting aside a court order mentioned in item 2.
- 4 A request to register a power of attorney under which an attorney has power to act on a purchaser's behalf under a section contract or another document lodged.
- 5 A request to register a revocation of a power of attorney mentioned in item 4.
- 6 A request to register the death of a joint purchaser.
- 7 A request to register the death of a purchaser under a section contract.
- 8 A request to register a person as the purchaser's personal representative.
- 9 A request to register a transmission of a purchaser's interest in a section contract to a person beneficially entitled under a will.
- 10 A request to register a transmission of a purchaser's interest in a section contract under a law about bankruptcy.
- 11 A request to register a disclaimer of an interest in a section contract under a law about bankruptcy.
- 12 A request to register an assignment of a purchaser's interest in a section contract.
- 13 A request to register the severance of a joint tenancy of joint purchasers.

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## Schedule 3      Fees

section 54

### Part 1                      Fees for applications and consents

	\$
1    Fee for an application for a loan—	
(a) for building residential premises . . . . .	572.15
(b) for buying existing residential premises . . . . .	494.05
(c) for carrying out building and related works for existing residential premises . . . . .	494.05
2    Fee for consent to a transfer, between the parties to a section contract or a mortgage, of an interest in the contract or mortgage . . . . .	211.15

### Part 2                      Fees for contracts register

	\$
1    Fee for lodging a registrable document . . . . .	91.80
2    Fee for a requisition on a lodged document . . . . .	26.35
3    Additional fee for each document if lodged by post or similar facility . . . . .	21.05
4    Fee for searching—	
(a) the register . . . . .	10.50
(b) a document forming part of the register . . . . .	10.50
(c) information kept under section 44 of this regulation . . . . .	10.50
5    Fee for—	
(a) a copy of a document . . . . .	10.50

## Schedule 3 (continued)

	\$
(b) certification of the copy of the document . . . . .	21.05
(c) sending the copy of the document by facsimile. . . . .	8.40

### **Part 3                      Other fee**

	\$
1 Administration fee if a payment is required under the Act or an instrument made under the Act and a financial institution dishonours the payment . . . . .	12.05
2 Fee if—	
(a) the chief executive pays an insurance premium on behalf of a borrower or purchaser under a section contract or a mortgage; and	
(b) the section contract or mortgage provides for a fee to be payable to the chief executive if paragraph (a) applies . . . . .	29.00
3 Fee for producing a document to another person . . . . .	61.20

## Schedule 5      Dictionary

### section 3

**accounting standards** means—

- (a) for a local government, other than a community government under the *Local Government (Community Government Areas) Act 2004*—the Local Government Finance Standards under the *Local Government Act 1993*; or
- (b) for a community government under the *Local Government (Community Government Areas) Act 2004*—the Community Government Finance Standards under that Act; or
- (c) for an Island Council or the Island Coordinating Council—the Island Council Accounting Standards under the *Community Services (Torres Strait) Act 1984*; or
- (d) for another registered provider—
  - (i) the accounting standards issued by the Australian Accounting Standards Board; or
  - (ii) the Australian Accounting Standards issued jointly by or for the National Councils of CPA Australia and The Institute of Chartered Accountants in Australia.

**assistance agreement**, in relation to a funded service, means the assistance agreement under which the service is provided.

**client** of a registered provider—

- (a) means a person who—
  - (i) is receiving relevant goods or services from the provider; or
  - (ii) has applied to the provider for relevant goods or services; and
- (b) includes a tenant.

## Schedule 5 (continued)

**commencement day**, for part 6, division 2, see section 61.

**contracts register** means the register of section contracts kept by the chief executive under section 41(1).

**eligible person**, in relation to a funded service, means a person who is eligible for any of the relevant goods and services.

**establishing Act**, for a registered provider, means the Act under which it is established.

**funded property**, in relation to a funded service, means property—

- (a) transferred or leased by the chief executive to the registered provider for the purpose of providing the service; or
- (b) bought or leased by the registered provider using funds entirely or partly provided by—
  - (i) a grant, loan or other financial assistance from the chief executive for the purpose of providing the service; or
  - (ii) other receipts for the service.

**implement** a document, for part 2, see section 8.

**joint purchaser** see section 49(1).

**keep** a document, for part 2, see section 7.

**National Community Housing Standards** means the standards developed and published under that name by the National Community Housing Forum.

**officer**, of a registered provider, means—

- (a) for a nonprofit corporation—an officer under its establishing Act; or
- (b) for a local government—
  - (i) its mayor or another councillor; or
  - (ii) its chief executive officer; or
- (c) for an Island Council—

## Schedule 5 (continued)

- (i) a member of the council; or
- (ii) its clerk; or
- (d) for the Island Coordinating Council—a member of the council.

**provider**, for part 2, see section 5.

**purchaser** means a purchaser under a section contract.

**Queensland Standards and Accreditation Council** means the council by that name appointed by the Minister.

**receipts**, for a funded service, means—

- (a) amounts paid to the registered provider by the chief executive as grants, loans or other financial assistance for the purpose of providing the service; and
- (b) rent or other income from funded property; and
- (c) the proceeds of a sale of funded property; and
- (d) fees for providing relevant goods or services; and
- (e) interest received on an amount mentioned in paragraphs (a) to (d).

**registered document** means a registrable document or another document, particulars about which have been recorded in the contracts register under section 41.

**registrable document** means a document specified in schedule 2.

**relevant goods or services**, in relation to a funded service, means the goods or services provided in the course of providing the service.

**repealed regulation**, for part 6, division 2, see section 61.

**residential premises** means—

- (a) a residence; or
- (b) premises at which a residential service is provided; or
- (c) other premises that provide residential accommodation.



## Schedule 5 (continued)

**residential service** see the *Residential Services (Accreditation) Act 2002*, section 4.<sup>11</sup>

**residential tenancy agreement**—

- (a) has the meaning given by the *Residential Tenancies Act 1994*, section 8; and
- (b) includes an agreement mentioned in the *Residential Tenancies Regulation 1995*, section 14A.<sup>12</sup>

**section contract** means a contract entered into under—

- (a) section 113<sup>13</sup> of the Act; or
- (b) section 24(1AA), (1AB) and (1A)<sup>14</sup> of the repealed Act.

**service**, for part 2, see section 5.

**tenancy agreement**, in relation to a funded service, means a residential tenancy agreement for which—

- (a) the lessor is the registered provider; and
- (b) the residential premises are funded property.

**tenant**, in relation to a registered provider, means a tenant under a lease given by the provider over residential premises that are funded property.

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11 *Residential Services (Accreditation) Act 2002*, section 4 (Meaning of *residential service*)

12 *Residential Tenancies Regulation 1995*, section 14A (Intensive drug rehabilitation order—Act, s 20)

13 Section 113 (Chief executive's power to sell houses to eligible persons) of the Act

14 Section 24 (Power to commission to sell houses to eligible persons) of the repealed Act (Under the *Housing Act 2003*, schedule 3, 'repealed Act' is defined as the repealed *State Housing Act 1945*.)

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2006. Future amendments of the Housing Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	none	1 January 2004	R0A withdrawn, see R1
1	none	1 January 2004	
1A	none	1 July 2004	
1B	2004 SL No. 319	1 January 2005	
1C	2005 SL No. 47	1 April 2005	
1D	2005 SL No. 127	1 August 2005	
1E	2006 SL No. 94	1 July 2006	

## 5 List of legislation

### **Housing Regulation 2003 SL No. 333**

made by the Governor in Council on 11 December 2003

notfd gaz 12 December 2003 pp 1203–7

ss 1–2 commenced on date of notification

pt 2 (other than s 14(1)(c)), s 62, sch 5 defs “accounting standards”, “assistance agreement”, “client”, “eligible person”, “establishing Act”, “funded property”, “implement”, “keep”, “National Community Housing Standards”, “officer”, “provider”, “Queensland Standards and Accreditation Council”, “receipts”, “relevant goods or services”, “service”, “tenancy agreement” and “tenant” commenced 1 July 2004 (see s 2(2))

s 14(1)(c) commenced 1 January 2005 (see s 2(3))

remaining provisions commenced 1 January 2004 (see s 2(1))

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Local Government (Community Government Areas) Regulation 2004 SL No. 319 ss 1–2, 23 sch 1**

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2005 (see s 2)

### **Housing Amendment Regulation (No. 1) 2005 SL No. 47**

notfd gaz 1 April 2005 pp 1066–9

commenced on date of notification

Note— An explanatory note was prepared

**Housing Amendment Regulation (No. 2) 2005 SL No. 127**

notfd gaz 24 June 2005 pp 639–45

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2005 (see s 2)

**Housing Amendment Regulation (No. 1) 2006 SL No. 94**

notfd gaz 26 May 2006 pp 340–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

## 6 List of annotations

**Use of funded property as security**

s 14 amd 2005 SL No. 47 s 3

**Fees**

s 54 sub 2005 SL No. 47 s 4

**Amendments in sch 4**

s 59 om R1 (see RA s 40)

**SCHEDULE 3—FEES**

sub 2005 SL No. 127 s 4; 2006 SL No. 94 s 4

**SCHEDULE 4—AMENDMENT OF REGULATIONS**

om R1 (see RA s 40)

**SCHEDULE 5—DICTIONARY**def “**accounting standards**” amd 2004 SL No. 319 s 23 sch 1def “**officer**” amd 2004 SL No. 319 s 23 sch 1