



*Housing Act 2003*

# **Housing Regulation 2003**

**Current as at 6 July 2012**

# Information about this reprint

This regulation is reprinted as at 6 July 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Housing Regulation 2003

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Dictionary . . . . .	5
4	Meaning of housing service—Act, s 8 . . . . .	6
4A	Meaning of affordable housing provider . . . . .	6
4B	Inconsistency with assistance agreements . . . . .	7
<b>Part 2</b>	<b>Prescribed requirements</b>	
<b>Division 1</b>	<b>Preliminary</b>	
5	Prescribed requirements—Act, s 33. . . . .	7
6	When the requirements apply . . . . .	7
7	Requirement to keep a document . . . . .	7
8	Requirement to implement a document . . . . .	8
<b>Division 2</b>	<b>Financial management and accountability</b>	
9	Financial management and accountability generally . . . . .	8
10	Budget . . . . .	8
11	Financial reporting . . . . .	9
12	Assistance and other receipts to be used for agreed purpose . . . . .	10
13	Return of surplus amounts . . . . .	10
14	Use of funded property as security . . . . .	11
15	Insurance . . . . .	11
<b>Division 3</b>	<b>Governance</b>	
16	Conflicts of interest . . . . .	11
17	Compliance with information privacy principles . . . . .	12
18	Delegations . . . . .	12
19	Roles and responsibilities of officers . . . . .	13
20	Officers' knowledge of legislation and governing documents. . . . .	13

Contents

---

21	Employment matters. . . . .	13
22	Dispute resolution. . . . .	14
<b>Division 4</b>	<b>Service delivery</b>	
23	Information about the service. . . . .	14
24	Access to the service . . . . .	15
25	Referrals policy . . . . .	15
26	Eligibility . . . . .	15
26A	Applications—longer term housing providers and transitional housing providers . . . . .	16
26B	Allocations—longer term housing providers and transitional housing providers . . . . .	17
27	Allocations policy—other than for longer term housing providers or transitional housing providers. . . . .	17
27A	Duration of need policy. . . . .	18
28	Contributions policy . . . . .	19
29	Dispute resolution and review of decisions . . . . .	19
30	Feedback . . . . .	19
31	Hours of operation and contact arrangements . . . . .	20
<b>Division 5</b>	<b>Tenancy matters</b>	
32	Application of div 5 . . . . .	20
33	Knowledge of Residential Tenancies and Rooming Accommodation Act . . . . .	20
34	Rent . . . . .	20
35	Notices to leave . . . . .	21
36	Maintenance of residential premises . . . . .	21
37	Fire safety. . . . .	22
<b>Division 6</b>	<b>Other property matters</b>	
38	Asset management plan. . . . .	22
38A	Certain providers to give and update property details . . . . .	23
<b>Division 7</b>	<b>Miscellaneous</b>	
39	Preparation or submission of documents generally . . . . .	23
40	Audit requirements for a small proprietary company . . . . .	23
<b>Part 3</b>	<b>Contracts register</b>	
41	Chief executive to keep contracts register . . . . .	24
42	Particulars that must be recorded . . . . .	24
43	Recording ending of contract . . . . .	25
44	Other information may be kept . . . . .	25

---

45	Documents form part of a register . . . . .	25
46	Entitlement to search register. . . . .	25
47	Chief executive may correct contracts register. . . . .	26
48	Requisitions . . . . .	26
49	Registering death of joint purchaser. . . . .	27
50	Registering personal representative. . . . .	27
51	Registering person beneficially entitled . . . . .	29
52	Registering other dealings . . . . .	29
53	Form of registrable documents. . . . .	30
<b>Part 4</b>	<b>Fees</b>	
54	Fees . . . . .	30
55	Exemption from payment of fees . . . . .	31
56	Expenses of taking possession . . . . .	31
<b>Part 5</b>	<b>Miscellaneous</b>	
57	Prescribed housing service information—Act, s 18 . . . . .	32
58	Standard interest rate policy—Act, s 92 . . . . .	32
<b>Part 6</b>	<b>Repeals and transitional</b>	
<b>Division 1</b>	<b>Repeal</b>	
60	Repeal . . . . .	33
<b>Division 2</b>	<b>Transitional provisions for Housing Regulation 2003</b>	
61	Definitions for div 2. . . . .	33
62	Current securities . . . . .	33
63	Contracts register under repealed regulation. . . . .	33
64	Requisitions under repealed regulation . . . . .	33
65	Requests about dealings . . . . .	34
66	Certain covenants not affected by repeals . . . . .	34
<b>Division 3</b>	<b>Transitional provisions for Housing Amendment Regulation (No. 2) 2006</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
67	Definitions for div 3. . . . .	34
<b>Subdivision 2</b>	<b>Accreditation</b>	
68	Accreditation for certain registered providers. . . . .	35
<b>Subdivision 3</b>	<b>Transition to one social housing system—long-term community housing program and affordable housing providers</b>	
69	Extension of transitional period or time for an action . . . . .	35

---

Contents

---

70	Waitlisted applicants—long-term community housing providers and affordable housing providers . . . . .	36
71	Allocations . . . . .	37
<b>Division 4</b>	<b>Transitional provisions for Housing Amendment Regulation (No. 2) 2009</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
72	Definitions for div 4 . . . . .	37
<b>Subdivision 2</b>	<b>Confidentiality and information privacy</b>	
73	Information privacy—particular agreements entered into before and not amended on or after 1 July 2009 . . . . .	37
74	Information privacy—local government provider . . . . .	38
<b>Subdivision 3</b>	<b>Transition to one social housing system—longer term housing providers and transitional housing providers</b>	
75	Extension of transitional period or time for an action . . . . .	38
76	Waitlisted applicants—community managed housing - studio units program . . . . .	39
77	Allocations—affordable housing providers . . . . .	39
78	Allocations—long-term community housing providers . . . . .	40
79	Allocations—community-managed housing - studio units program providers . . . . .	40
80	Allocations—community rent scheme providers. . . . .	40
81	Allocations—same house different landlord providers . . . . .	40
<b>Schedule 1</b>	<b>Interest rate policy</b> . . . . .	42
1	Definitions for schedule . . . . .	42
2	Standard fixed rate . . . . .	42
3	Standard variable rate . . . . .	43
<b>Schedule 2</b>	<b>Registrable documents</b> . . . . .	44
<b>Schedule 3</b>	<b>Fees</b> . . . . .	45
<b>Schedule 5</b>	<b>Dictionary</b> . . . . .	47
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	53
2	Date to which amendments incorporated. . . . .	53
3	Key . . . . .	53
4	Table of reprints . . . . .	54
5	List of legislation. . . . .	54
6	List of annotations . . . . .	56

---

# Housing Regulation 2003

[as amended by all amendments that commenced on or before 6 July 2012]

## 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.

[s 4]

---

#### **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.

#### **4A Meaning of *affordable housing provider***

Each of the following is an ***affordable housing provider***—

- (a) a registered provider whose assistance agreement with the chief executive requires the provider to ensure that the provider's rent policy supports the application of the benchmark affordable rents schedule;
- (b) the Brisbane Housing Company Limited ACN 101 263 834.

*Editor's note—*

The benchmark affordable rents schedule is available on the department's website at <[www.communities.qld.gov.au](http://www.communities.qld.gov.au)>.



#### **4B Inconsistency with assistance agreements**

- (1) If a provision of part 2 or part 6, division 3 is inconsistent with a term of an assistance agreement, the provision prevails and the term is void to the extent of the inconsistency.
- (2) Subsection (1) does not by implication limit another provision of this regulation.

## **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.

[s 8]

---

## **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.

*Editor's note—*

See also section 40 (Audit requirements for a small proprietary company).

- (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.
- (5) To remove any doubt, it is declared this section applies to the provider even if—

[s 12]

---

- (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.
- (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.

[s 17]

---

- (2) The policy must—
  - (a) include guiding principles and procedures for identifying, declaring and dealing with conflicts of interest; and
  - (b) be consistent with the requirements in the document titled ‘Practice Guide: Conflict of Interest’ published by the department in January 2007.

*Editor’s note—*

This document is available on the department’s website <[www.communities.qld.gov.au](http://www.communities.qld.gov.au)>, and a copy may be obtained free of charge from any office of the department.

- (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*** of an officer, employee or volunteer worker includes—
  - (a) any interest that conflicts with the discharge of the officer’s, employee’s or volunteer worker’s responsibilities as an officer, employee or volunteer worker; and
  - (b) a potential conflict of interest.

## **17 Compliance with information privacy principles**

The provider must comply with the *Information Privacy Act 2009*, chapter 2, parts 1 and 3 for the provision of the service as if it were the department.

## **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

[s 22]

---

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 one social housing system; and
    - (ii) how housing services under the one social housing system may be accessed; and
    - (iii) the availability of the relevant goods or services; and
    - (iv) the fees relating to the relevant goods or services; and
    - (v) the provider's hours of operation; and
    - (vi) 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

- (1) This section applies to a provider for assessing a client's eligibility for relevant goods or services.
- (2) Subsection (3) applies to a provider that is—
  - (a) a provider funded under—
    - (i) the community-managed housing - studio units program; or
    - (ii) the community rent scheme; or
    - (iii) the long-term community housing program; or
    - (iv) the same house different landlord program; or
  - (b) an affordable housing provider; or

[s 26A]

---

- (c) a local government mentioned in the *Local Government (Community Government Areas) Act 2004*, schedule 3, column 2; or
  - (d) an indigenous regional council.
- (3) The provider must implement the Common Eligibility Criteria published by the department in October 2009.

*Editor's note—*

This document is available on the department's website <[www.communities.qld.gov.au](http://www.communities.qld.gov.au)>, and a copy may be obtained free of charge from any office of the department.

- (4) Subsections (5) and (6) apply to a provider other than a provider mentioned in subsection (2).
- (5) The provider must keep an eligibility policy complying with the assistance agreement.
- (6) The provider must implement the policy consistently and fairly.
- (7) In this section—

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

## **26A Applications—longer term housing providers and transitional housing providers**

- (1) An application for relevant goods or services provided by a longer term housing provider or a transitional housing provider must be made in the approved form either—
- (a) directly to the chief executive; or
  - (b) through a provider that is approved by the chief executive to receive an application.
- (2) A provider through which an application is made must give the application to the chief executive as soon as practicable after the provider receives it.

---

**26B Allocations—longer term housing providers and transitional housing providers**

- (1) For allocating relevant goods or services, a longer term housing provider must implement the Allocations Policy—Long Term Community Housing Program and Affordable Housing Providers published by the department in October 2009.
- (2) For allocating relevant goods or services, a transitional housing provider must implement the Allocations Policy Transitional Housing—Community Rent Scheme, Community-Managed Housing - Studio Units and Same House Different Landlord Providers published by the department in October 2009.

**27 Allocations policy—other than for longer term housing providers or transitional housing providers**

- (1) A provider, other than a longer term housing provider or transitional housing 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

[s 27A]

---

eligible persons and allocating relevant goods or services to clients.

## **27A Duration of need policy**

- (1) The following providers must implement the duration of need policy—
  - (a) a provider funded under—
    - (i) the community-managed housing - studio units program; or
    - (ii) the long-term community housing program;
  - (b) an affordable housing provider;
  - (c) a local government mentioned in the *Local Government (Community Government Areas) Act 2004*, schedule 3, column 2;
  - (d) an indigenous regional council.
- (2) The provider must give each person who enters into a tenancy agreement with the provider a notice, in the approved form, that tells the person—
  - (a) about the duration of need policy; and
  - (b) whether the tenancy will be subject to a review under the policy; and
  - (c) if the tenancy will be subject to a review, when reviews will be made.
- (3) In this section—

***duration of need policy*** means the Duration of Need Policy published by the department in January 2007.

*Editor's note—*

This document is available on the department's website <[www.communities.qld.gov.au](http://www.communities.qld.gov.au)>, and a copy may be obtained free of charge from any office of the department.

## **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.

[s 31]

---

### **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 and Rooming Accommodation Act**

The provider must ensure that each officer, employee or volunteer worker involved in tenancy management has a sufficient knowledge of the *Residential Tenancies and Rooming Accommodation Act 2008*.

### **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 and Rooming Accommodation Act 2008* 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 and Rooming Accommodation Act 2008*, section 185(2)(b) to (d) and (3)(a) to (c).
- (3) The provider must ensure maintenance work for the premises is carried out lawfully.

[s 37]

---

- (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.

## **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.



---

### **38A Certain providers to give and update property details**

- (1) This section applies to a provider that is—
  - (a) a provider funded under the long-term community housing program; or
  - (b) an affordable housing provider; or
  - (c) a local government mentioned in the *Local Government (Community Government Areas) Act 2004*, schedule 3, column 2; or
  - (d) an indigenous regional council.
- (2) The provider must give the chief executive information, in the approved form, about every funded property for the funded service provided by the provider.
- (3) If information given to the chief executive under subsection (2) changes, the provider must, as soon as practicable after the change happens, give the chief executive details of the changes in the approved form.

## **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) about the auditing of statements prepared by the provider if—

[s 41]

---

- (a) the provider is a small proprietary company under the Corporations Act; and
  - (b) the statements are not required to be audited under chapter 2M, part 2M.3, division 3 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.

---

#### **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

[s 47]

---

- (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.

[s 50]

---

- (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);

[s 53]

---

- (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; or
  - (b) the administration of the Act in a way that has sufficient regard to a guiding principle under 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



---

## **Part 6                      Repeals and transitional**

### **Division 1                Repeal**

#### **60        Repeal**

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

### **Division 2                Transitional provisions for Housing Regulation 2003**

#### **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 does not apply to a security given by a registered provider before the day section 14(1)(a) and (b) commence.

#### **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

[s 65]

---

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*.

## **Division 3 Transitional provisions for Housing Amendment Regulation (No. 2) 2006**

### **Subdivision 1 Preliminary**

#### **67 Definitions for div 3**

In this division—

*commencement day* means the day this division commences.

*completion day* means 31 July 2007 or another day decided by the chief executive under section 69.

*long-term community housing provider* means a registered provider under the long-term community housing program.

*transitional period* means the period starting on the commencement day and ending on the completion day.

*waitlist*, of a registered provider, means the provider's list, in any form, of applicants who have applied to the provider for a housing service.

## **Subdivision 2      Accreditation**

### **68      Accreditation for certain registered providers**

- (1) Despite section 8A, a registered provider mentioned in that section is not required to obtain accreditation until 3 years after the commencement day.
- (2) This section applies to a provider whether it became a provider before or after the commencement day.

## **Subdivision 3      Transition to one social housing system—long-term community housing program and affordable housing providers**

### **69      Extension of transitional period or time for an action**

- (1) The chief executive may alter the length of the transitional period or the day by which an action must be taken under this subdivision if the chief executive reasonably believes the alteration will better allow the transition to the one social housing system for—
  - (a) the long-term community housing program; or

[s 70]

---

- (b) the affordable housing providers.
- (2) For subsection (1), an alteration may apply to any or all providers or persons.
- (3) However, the chief executive must not make an alteration that would cause the transitional period to end after 31 December 2007.
- (4) If the chief executive makes an alteration under subsection (1), the chief executive must inform entities or persons affected by the alteration about the alteration by notice.

## **70 Waitlisted applicants—long-term community housing providers and affordable housing providers**

- (1) A long-term community housing provider or affordable housing provider must, on or before 1 March 2007, give each existing applicant a notice that, to continue with the applicant's original application, the applicant must make a fresh application under section 26A on or before 11 April 2007.
- (2) The provider must give the chief executive a notice stating the day on which each reapplying applicant's original application was made to the provider.
- (3) A notice under subsection (2) must be in a form requested by the chief executive, including, for example, a statutory declaration by an executive officer of the provider.
- (4) In this section—

***existing applicant*** means an applicant on a provider's waitlist on the commencement day.

***original application***, for a reapplying applicant, means the application for relevant goods and services that caused the reapplying applicant to be on the provider's waitlist.

***reapplying applicant*** means an existing applicant who makes a fresh application mentioned in subsection (1).

---

## **71 Allocations**

Despite section 26B, for the allocation of relevant goods or services during the transitional period, a long-term community housing provider or affordable housing provider must allocate relevant goods or services under the provider's allocation policy as in force immediately before the commencement day.

## **Division 4 Transitional provisions for Housing Amendment Regulation (No. 2) 2009**

### **Subdivision 1 Preliminary**

#### **72 Definitions for div 4**

In this division—

*commencement day* means the day this division commences.

*completion day* means 28 February 2010 or a later day decided by the chief executive under section 75.

*transitional period* means the period starting on the commencement day and ending on the completion day.

### **Subdivision 2 Confidentiality and information privacy**

#### **73 Information privacy—particular agreements entered into before and not amended on or after 1 July 2009**

- (1) This section applies if the chief executive entered into an assistance agreement with a registered provider, other than a local government, before 1 July 2009 and the assistance agreement is not amended on or after 1 July 2009.
- (2) The provider must comply with section 17 as in force immediately before the commencement of this section.

[s 74]

---

#### **74 Information privacy—local government provider**

- (1) This section applies if a registered provider is a local government.
- (2) The provider must comply with section 17 as in force immediately before the commencement of this section until the *Information Privacy Act 2009*, chapter 2, parts 1 and 3 apply to the provider.

*Note—*

See the *Information Privacy Act 2009*, section 202 (Delayed application of Act other than ch 3 to local governments).

### **Subdivision 3 Transition to one social housing system—longer term housing providers and transitional housing providers**

#### **75 Extension of transitional period or time for an action**

- (1) The chief executive may extend the transitional period or the length of time by which an action must be taken under this subdivision if the chief executive reasonably believes the extension will better allow the transition to the one social housing system for—
  - (a) a longer term housing provider; or
  - (b) a transitional housing provider.
- (2) For subsection (1), an extension may apply to any or all providers or persons.
- (3) However, the chief executive must not make an extension that would cause the transitional period to end after 30 June 2010.
- (4) If the chief executive extends the transitional period or length of time under subsection (1), the chief executive must give a notice about the extension to entities or persons affected by the extension.



---

**76 Waitlisted applicants—community managed housing - studio units program**

- (1) A community-managed housing - studio units program provider must, on or before 31 December 2009, give each waitlisted applicant a notice that, to continue with the applicant's original application, the applicant must make a fresh application under section 26A on or before the completion day.
- (2) The provider must give the chief executive a notice stating the day on which each reapplying applicant's original application was made to the provider.
- (3) A notice under subsection (2) must be in a form requested by the chief executive, including, for example, a statutory declaration by an executive officer of the provider.
- (4) In this section—

*community-managed housing - studio units program provider* means a registered provider funded under the community-managed housing - studio units program.

*original application*, for a reapplying applicant, means the application for relevant goods or services that caused the reapplying applicant's name to be on the provider's waitlist.

*reapplying applicant* means a waitlisted applicant who makes the fresh application mentioned in subsection (1).

*waitlist*, for a community-managed housing - studio units program provider, means the provider's list, in any form, of waitlisted applicants.

*waitlisted applicant* means an applicant whose name is on a community-managed housing - studio units program provider's waitlist immediately before the commencement day.

**77 Allocations—affordable housing providers**

- (1) For allocating relevant goods or services during the transitional period, an affordable housing provider must

[s 78]

---

implement the allocations policy mentioned in section 26B(2) as in force immediately before the commencement day.

- (2) This section applies despite section 26B(1).

### **78 Allocations—long-term community housing providers**

- (1) For allocating relevant goods or services during the transitional period, a registered provider under the long-term community housing program must implement the allocations policy mentioned in section 26B(1) as in force immediately before the commencement day.

- (2) This section applies despite section 26B(1).

### **79 Allocations—community-managed housing - studio units program providers**

- (1) For allocating relevant goods or services during the transitional period, a registered provider under the community-managed housing - studio units program must comply with section 27 as in force immediately before the commencement day.

- (2) This section applies despite section 26B(2).

### **80 Allocations—community rent scheme providers**

- (1) For allocating relevant goods or services during the transitional period, a registered provider under the community rent scheme must comply with section 27 as in force immediately before the commencement day.

- (2) This section applies despite section 26B(2).

### **81 Allocations—same house different landlord providers**

- (1) For allocating relevant goods or services during the transitional period, a registered provider under the same house

different landlord program must comply with section 27 as in force immediately before the commencement day.

- (2) This section applies despite section 26B(2).

## 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.

### **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

---

## 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 . . . . .	702.40
(b) for buying existing residential premises . . . . .	606.55
(c) for carrying out building and related works for existing residential premises . . . . .	606.55
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 . . . . .	259.15

### Part 2                      Fees for contracts register

	\$
1    Fee for lodging a registrable document under part 3 . . . . .	112.60
2    Fee under section 48(5) for a requisition on a document lodged with the chief executive . . . . .	32.25
3    Additional fee for each document if lodged by post or similar facility . . . . .	25.75
4    Fee under section 46(1) for searching—	
(a) the register . . . . .	12.80
(b) a document forming part of the register . . . . .	12.80
(c) information kept under section 44 . . . . .	12.80

Schedule 3

---

		\$
5	Fee under section 46 for—	
	(a) a copy of the particulars, a document or the information mentioned in section 46(1)(a) . . . . .	12.80
	(b) a certified copy of the particulars, a document or the information mentioned in section 46(1)(a) . . . . .	25.75
	(c) sending the copy of the particulars, a document or the information mentioned in item 5(a) or (b) by facsimile. . . . .	10.15

**Part 3                      Other fees**

		\$
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 . . . . .	14.55
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 . . . . .	35.45
3	Fee for producing a document to another person . . . . .	75.00



---

## 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* or an indigenous regional council—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 indigenous regional council—
  - (i) from 15 March 2008 to 30 June 2009—the accounting standards that apply to the indigenous regional council under the *Local Government Reform Implementation Regulation 2008*, part 2, division 5; and
  - (ii) from 1 July 2009—the Local Government Finance Standards under the *Local Government Act 1993*; 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.

**accreditation** means—

- (a) accreditation by the Queensland Community Housing Standards and Accreditation Council; or

- (b) other accreditation the chief executive considers is at least equivalent to accreditation mentioned in paragraph (a).

***affordable housing provider*** see section 4A.

***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.

***commencement day*** means—

- (a) for part 6, division 2, see section 61; or
- (b) for part 6, division 3, see section 67; or
- (c) for part 6, division 4, see section 72.

***community-managed housing - studio units program*** means the community-managed housing - studio units program administered by the department, formerly known as the boarding house program.

***community rent scheme*** means the community rent scheme administered by the department.

***completion day*** means—

- (a) for part 6, division 3, see section 67; or
- (b) for part 6, division 4, see section 72.

***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.

***indigenous regional council*** see the *Local Government Act 1993*, schedule 2.

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

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

***longer term housing provider*** means—

- (a) an affordable housing provider; or
- (b) a registered provider under the long-term community housing program.

***long-term community housing program*** means the long-term community housing program administered by the department.

***long-term community housing provider***, for part 6, division 3, see section 67.

***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.

***one social housing system*** means the department's integrated system for providing housing services.

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

***published*** means published on the department's website and made available at the department's offices.

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

***Queensland Community Housing 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.

***rent policy*** see section 34(4).

***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.

---

**residential service** see the *Residential Services (Accreditation) Act 2002*, section 4.

**residential tenancy agreement**—

- (a) has the meaning given by the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12; and
- (b) includes a residential tenancy agreement mentioned in the *Residential Tenancies and Rooming Accommodation Act 2008*, section 42.

**same house different landlord program** means the same house different landlord program administered by the department.

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

- (a) section 113 of the Act; or
- (b) section 24(1AA), (1AB) and (1A) 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.

**transitional housing provider** means a registered provider under—

- (a) the community-managed housing - studio units program; or
- (b) the community rent scheme; or
- (c) the same house different landlord program.

*transitional period* means—

- (a) for part 6, division 3, see section 67; or
- (b) for part 6, division 4, see section 72.

*waitlist*, for part 6, division 3, see section 67.

# Endnotes

## 1 Index to endnotes

	Page
2	Date to which amendments incorporated. . . . .53
3	Key . . . . .53
4	Table of reprints . . . . .54
5	List of legislation . . . . .54
6	List of annotations . . . . .56

## 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 6 July 2012. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 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	
1F	2006 SL No. 305	1 February 2007	
1G	2007 SL No. 95	1 July 2007	R1G withdrawn, see R2
2	—	1 July 2007	
2A	2008 SL No. 52	15 March 2008	
2B	2008 SL No. 175	27 June 2008	
2C	2008 SL No. 175	1 July 2008	
2D	2008 SL No. 238	25 July 2008	R2D withdrawn, see R3
3	—	25 July 2008	
3A	2008 Act No. 73	1 July 2009	
3B	2009 SL No. 140	3 July 2009	
3C	2009 SL No. 238	1 November 2009	
3D	2010 SL No. 177	9 July 2010	
3E	2011 SL No. 119	1 July 2011	
3F	2012 SL No. 38	17 February 2012	
3G	2012 SL No. 97	6 July 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **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)

**Housing Amendment Regulation (No. 2) 2006 SL No. 305**

notfd gaz 15 December 2006 pp 1861–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 2007 (see s 2)

**Housing Amendment Regulation (No. 1) 2007 SL No. 95**

notfd gaz 1 June 2007 pp 582–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

**Housing Amendment Regulation (No. 1) 2008 SL No. 52**

notfd gaz 14 March 2008 pp 1469–72

ss 1–2 commenced on date of notification

remaining provisions commenced 15 March 2008 (see s 2)

**Housing Amendment Regulation (No. 2) 2008 SL No. 175**

notfd gaz 27 June 2008 pp 1268–78

Endnotes

---

s 5 commenced 1 July 2008 (see s 2)  
remaining provisions commenced on date of notification

**Housing Amendment Regulation (No. 3) 2008 SL No. 238**

notfd gaz 25 July 2008 pp 1838–41  
commenced on date of notification

**Residential Tenancies and Rooming Accommodation Act 2008 No. 73 ss 1–2, 554 sch 1**

date of assent 11 December 2008  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2009 (2009 SL No. 40)

**Housing Amendment Regulation (No. 1) 2009 SL No. 140**

notfd gaz 3 July 2009 pp 934–6  
commenced on date of notification

**Housing Amendment Regulation (No. 2) 2009 SL No. 238**

notfd gaz 30 October 2009 pp 657–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 November 2009 (see s 2)

**Housing Amendment Regulation (No. 1) 2010 SL No. 177**

notfd gaz 9 July 2010 pp 1101–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 9 July 2010 (see s 2)

**Housing Amendment Regulation (No. 1) 2011 SL No. 119**

notfd gaz 24 June 2011 pp 534–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2011 (see s 2)

**Housing Amendment Regulation (No. 1) 2012 SL No. 38**

notfd gaz 17 February 2012 pp 340–3  
commenced on date of notification

**Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 6**

notfd gaz 6 July 2012 pp 759–60  
commenced on date of notification

## 6 List of annotations

**Meaning of “affordable housing provider”**

s 4A ins 2006 SL No. 305 s 4

**Inconsistency with assistance agreements**

s 4B ins 2006 SL No. 305 s 4

**PART 2—PRESCRIBED REQUIREMENTS****Division 1A—Accreditation**

**div hdg** ins 2006 SL No. 305 s 5  
om 2012 SL No. 38 s 3

**Accreditation for certain providers**

**s 8A** ins 2006 SL No. 305 s 5  
amd 2008 SL No. 52 s 4  
om 2012 SL No. 38 s 3

**Use of funded property as security**

**s 14** amd 2005 SL No. 47 s 3; 2006 SL No. 305 s 6; 2012 SL No. 38 s 4

**Conflicts of interest**

**s 16** amd 2006 SL No. 305 s 7

**Compliance with information privacy principles**

**prov hdg** amd 2006 SL No. 305 s 8(1)  
**s 17** amd 2006 SL No. 305 s 8(2)–(5)  
sub 2009 SL No. 238 s 4

**Information about the service**

**s 23** amd 2006 SL No. 305 s 9; 2009 SL No. 238 s 5

**Eligibility**

**s 26** sub 2006 SL No. 305 s 10  
amd 2008 SL No. 52 s 5; 2008 SL No. 175 s 4; 2008 SL No. 238 s 3; 2009 SL  
No. 238 s 6

**Applications—longer term housing providers and transitional housing providers**

**prov hdg** amd 2009 SL No. 238 s 7(1)  
**s 26A** ins 2006 SL No. 305 s 11  
amd 2009 SL No. 238 s 7(2)

**Allocations—longer term housing providers and transitional housing providers**

**prov hdg** amd 2009 SL No. 238 s 8(1)  
**s 26B** ins 2006 SL No. 305 s 11  
amd 2009 SL No. 238 s 8(2)–(3)

**Allocations policy—other than for longer term housing providers or transitional housing providers**

**prov hdg** amd 2006 SL No. 305 s 12(1); 2009 SL No. 238 s 9(1)  
**s 27** amd 2006 SL No. 305 s 12(2); 2009 SL No. 238 s 9(2)

**Duration of need policy**

**s 27A** ins 2006 SL No. 305 s 13  
amd 2008 SL No. 52 s 6

**Knowledge of Residential Tenancies and Rooming Accommodation Act**

**prov hdg** amd 2008 Act No. 73 s 554 sch 1  
**s 33** amd 2008 Act No. 73 s 554 sch 1

**Notices to leave**

**s 35** amd 2008 Act No. 73 s 554 sch 1

**Maintenance of residential premises**

s 36 amd 2008 Act No. 73 s 554 sch 1

**Certain providers to give and update property details**

s 38A ins 2006 SL No. 305 s 14  
amd 2008 SL No. 52 s 7

**Fees**

s 54 sub 2005 SL No. 47 s 4

**Amendments in sch 4**

s 59 om R1 (see RA s 40)

**PART 6—REPEALS AND TRANSITIONAL**

**Division 2—Transitional provisions for Housing Regulation 2003**

div hdg amd 2006 SL No. 305 s 15

**Division 3—Transitional provisions for Housing Amendment Regulation (No. 2) 2006**

div 3 (ss 67–71) ins 2006 SL No. 305 s 16

**Division 4—Transitional provisions for Housing Amendment Regulation (No. 2) 2009**

div hdg ins 2009 SL No. 238 s 10

**Subdivision 1—Preliminary**

sdiv 1 (s 72) ins 2009 SL No. 238 s 10

**Subdivision 2—Confidentiality and information privacy**

sdiv 2 (ss 73–74) ins 2009 SL No. 238 s 10

**Subdivision 3—Transition to one social housing system—longer term housing providers and transitional housing providers**

sdiv 3 (ss 75–81) ins 2009 SL No. 238 s 10

**SCHEDULE 3—FEES**

sub 2005 SL No. 127 s 4; 2006 SL No. 94 s 4; 2007 SL No. 95 s 4; 2008 SL No. 175 s 5; 2009 SL No. 140 s 3; 2010 SL No. 177 s 4; 2011 SL No. 119 s 4; 2012 SL No. 97 s 11

**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 1; 2008 SL No. 52 s 8(3)–(4)

def “**accreditation**” ins 2006 SL No. 305 s 17(1)

def “**affordable housing provider**” ins 2006 SL No. 305 s 17(1)

def “**boarding house program**” ins 2006 SL No. 305 s 17(1)

om 2008 SL No. 52 s 8(1)

def “**commencement day**” ins 2009 SL No. 238 s 11(2)

def “**commencement day**”, for part 6, division 2, om 2009 SL No. 238 s 11(1)

def “**commencement day**”, for part 6, division 3, ins 2006 SL No. 305 s 17(1)  
om 2009 SL No. 238 s 11(1)

- def **“community-managed housing - studio units program”** ins 2008 SL No. 52 s 8(2)
- def **“community rent scheme”** ins 2006 SL No. 305 s 17(1)
- def **“completion day”** ins 2006 SL No. 305 s 17(1)  
sub 2009 SL No. 238 s 11
- def **“indigenous regional council”** ins 2008 SL No. 52 s 8(2)
- def **“longer term housing provider”** ins 2009 SL No. 238 s 11(2)
- def **“long-term community housing program”** ins 2006 SL No. 305 s 17(1)
- def **“long-term community housing provider”** ins 2006 SL No. 305 s 17(1)
- def **“National Community Housing Standards”** om 2012 SL No. 38 s 5
- def **“officer”** amd 2004 SL No. 319 s 23 sch 1; 2008 SL No. 52 s 8(5)
- def **“one social housing system”** ins 2006 SL No. 305 s 17(1)
- def **“published”** ins 2006 SL No. 305 s 17(1)
- def **“Queensland Community Housing Standards and Accreditation Council”** amd 2006 SL No. 305 s 17(2)
- def **“rent policy”** ins 2006 SL No. 305 s 17(1)
- def **“residential tenancy agreement”** amd 2008 Act No. 73 s 554 sch 1
- def **“same house different landlord program”** ins 2009 SL No. 238 s 11(2)
- def **“transitional housing provider”** ins 2009 SL No. 238 s 11(2)
- def **“transitional period”** ins 2006 SL No. 305 s 17(1)  
sub 2009 SL No. 238 s 11
- def **“waitlist”** ins 2006 SL No. 305 s 17(1)

© State of Queensland 2013

Authorised by the Parliamentary Counsel