



*Housing Act 2003*

# Housing Regulation 2003

**Current as at 1 August 2014**

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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 August 2014]

## 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.

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#### **4 Prescribed service—Act, s 8**

The National Rental Affordability Scheme is a prescribed service for section 8(5)(b)(vii) of the Act.

#### **4B Inconsistency with funding agreements**

- (1) If a provision of part 2 or part 6, division 3 is inconsistent with a term of a funding 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**

- (1) This part prescribes, for section 33 of the Act, the requirements applying to a funded provider.
- (2) Except where otherwise stated, the requirements apply to a funded provider only while it is—
  - (a) providing a housing service using funding; or
  - (b) required under a funding agreement to provide a housing service.

#### **6 Requirement to *keep* a document**

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



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**7 Requirement to *implement* a document**

A requirement under this part that a funded provider *implement* a document is a requirement that 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 requirements**

**8 Use of funding and other receipts**

A funded provider must ensure funding or receipts for a housing service it provides are used in a way that complies with the funding agreement.

**9 Return of unexpended amounts**

- (1) This section applies to an amount if—
  - (a) the amount is comprised of receipts for a housing service; and
  - (b) under the funding agreement for the service, the amount is required to be expended within a particular period; and
  - (c) at the end of the period, the amount has not been expended.
- (2) While the funding agreement is in force, the chief executive may, by written notice, require the funded provider to pay the amount to the chief executive.
- (3) The funded provider must pay the amount to the chief executive within 8 weeks after the day the provider receives the written notice.

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## **10 Use of funded property as security**

A funded provider must not use funded property as security for a loan unless the provider is a registered provider that is a company registered under the Corporations Act.

## **11 Particular funded providers must prepare annual financial statements**

- (1) This section applies to a funded provider that provides an ancillary housing service (the *service*).
- (2) The funded provider must prepare annual financial statements for each financial year in which it receives funding for the service.
- (3) The annual financial statements must be in the form, and contain the information, required under the funded provider's establishing Act.
- (4) If the chief executive requests a copy of the annual financial statements, the funded provider must comply with the request.
- (5) To remove any doubt, it is declared that this section applies to the funded provider even if it—
  - (a) does not provide, or is not required to provide, the service for the whole of the financial year; or
  - (b) stops providing the service before fully complying with this section.

## **12 Asset management plan**

- (1) A funded provider must prepare and implement a management plan (an *asset management plan*) for each of its assets that is funded property.
- (2) The purposes of an asset management plan are to—
  - (a) maintain the long-term viability and value of the asset to which the plan applies; and
  - (b) ensure the asset is appropriate for—

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- (i) the type of housing service the funded provider provides; and
  - (ii) the needs of persons accessing the service; and
  - (iii) the circumstances in which the funded provider operates the service.
- (3) An asset management plan must include financial strategies for its implementation.
- (4) If the chief executive requests a copy of an asset management plan, the funded provider must comply with the request.

## **Division 3                      Governance and service delivery**

### **13                      Compliance with information privacy principles**

A funded provider must comply with the *Information Privacy Act 2009*, chapter 2, parts 1 and 3 as if the provider were the department.

### **14                      Eligibility assessment and allocations policy—social housing services**

- (1) This section applies to a funded provider that provides, or is required under a funding agreement to provide, a social housing service (the *service*).
- (2) In assessing a person's eligibility to receive, or continue receiving, the service, the funded provider must implement the document, published by the department, called 'Social Housing Eligibility Criteria'.

*Note—*

A copy of the document called 'Social Housing Eligibility Criteria' is available from the department on request or from the department's website <[www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)>.

- (3) When allocating the service, the funded provider must implement the document, published by the department, called 'Allocations policy for funded social housing providers'.

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*Note—*

A copy of the document called ‘Allocations policy for funded social housing providers’ is available from the department on request or from the department’s website <[www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)>.

## **15 Applications for social housing services**

- (1) A funded provider must ensure an application received from a person for a social housing service is in the approved form and given—
  - (a) directly to the chief executive; or
  - (b) to a funded provider approved by the chief executive to receive an application for a social housing service.
- (2) If a funded provider other than a provider mentioned in subsection (1)(b) receives an application in the approved form for a social housing service, the provider must, as soon as practicable, give the application to—
  - (a) the chief executive; or
  - (b) a funded provider mentioned in subsection (1)(b).

## **16 Eligibility assessment—ancillary housing services**

- (1) This section applies to a funded provider that provides, or is required under a funding agreement to provide, an ancillary housing service (the *service*).
- (2) The funded provider must keep a policy (the *eligibility policy*) stating the criteria and procedures for deciding whether a person is eligible to receive the service.
- (3) The eligibility policy must comply with the funding agreement for the service.
- (4) The funded provider must implement the eligibility policy consistently and fairly.

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## 17 Rent policy

- (1) This section applies to a funded provider if, in the course of providing a housing service, the provider provides housing to individuals (each, a *resident*) for residential use.
- (2) The funded provider must keep a rent policy that complies with the funding agreement for the housing service and includes appropriate provision for the following matters—
  - (a) explaining rent calculations to the residents and dealing with their queries or concerns about matters relating to rent;
  - (b) giving the residents a choice of rent payment methods;
  - (c) preventing serious rent arrears.
- (3) The funded provider must implement the rent policy consistently and fairly.
- (4) For subsections (2) and (3), it does not matter whether a resident pays the provider rent for the housing.
- (5) However, if a resident does pay the provider rent for the housing, the provider must keep a record of rent calculations for the resident for the period—
  - (a) starting on the day the resident starts paying rent; and
  - (b) ending on the day that is 6 months after the last day on which the resident pays rent.
- (6) In this section—

*rent policy* means a policy stating criteria and procedures relating to rent paid by residents, including—

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

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## **18 Certain funded providers to give and update property details**

- (1) This section applies to a funded provider that provides, or is required under a funding agreement to provide, a social housing service (the *service*).
- (2) The funded provider must give the chief executive information, in the approved form, about each funded property for the service.
- (3) If information given to the chief executive under subsection (2) changes, the funded provider must, as soon as practicable, give the chief executive details of the change in the approved form.

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

- (1) The chief executive may give a funded provider written notice requiring the provider to give the chief executive within the time stated in the notice—
  - (a) stated financial information relating to a housing service the funded provider provides, or is required under a funding agreement to provide; or
  - (b) stated information about—
    - (i) the use of funded property; or
    - (ii) another matter relating to the provision of a housing service the funded provider provides, or is required under a funding agreement to provide; or
  - (c) stated non-identifying information about the funded provider's clients.
- (2) The funded provider must comply with a request made under subsection (1) within the time stated in the notice.

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## **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

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- (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).



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- (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.

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- (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.

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- (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; 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—

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- (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 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—

*residential tenancy agreement*—

  - (a) has the meaning given under the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12; and
  - (b) includes a rooming accommodation agreement within the meaning of the *Residential Tenancies and Rooming Accommodation Act 2008*, section 16.

*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) of the Act.

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## **59 Transfer or disposition of assets—Act, s 159**

- (1) This part prescribes, for section 159(2) of the Act, the way in which an accommodation provider must transfer or otherwise dispose of each of its relevant assets.
- (2) Before transferring or otherwise disposing of a relevant asset, an accommodation provider must consult with the chief executive about the most appropriate method for transferring or otherwise disposing of the asset.
- (3) An accommodation provider may transfer or otherwise dispose of relevant property, other than a relevant lease, in any 1 or more of the following ways—
  - (a) by paying the department an amount of money that is equal to the value of the interest in the asset held by the chief executive;
  - (b) by transferring the accommodation provider's proprietary interest in the asset to the chief executive;
  - (c) with the written consent of the chief executive—by transferring the asset to a registered provider;
  - (d) in a way, other than a way mentioned in paragraphs (a) to (c), stated in a written agreement between the chief executive and the accommodation provider for transferring or otherwise disposing of the property.
- (4) An accommodation provider may transfer or otherwise dispose of a relevant lease in any 1 or more of the following ways—
  - (a) by surrendering the provider's interest under the lease to the chief executive;
  - (b) with the written consent of the chief executive—transferring or assigning the provider's interest under the lease to a registered provider;
  - (c) in a way, other than a way mentioned in paragraph (a) or (b), stated in a written agreement between the chief executive and the accommodation provider for disposing of the lease.



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- (5) An accommodation provider may transfer or otherwise dispose of relevant receipts in any 1 or more of the following ways—
    - (a) by returning the amount of the receipts to the chief executive;
    - (b) with the written consent of the chief executive—by transferring the amount to a registered provider;
    - (c) in a way, other than a way mentioned in paragraph (a) or (b), stated in a written agreement between the chief executive and the accommodation provider for disposing of the receipts.
  - (6) The chief executive may impose a condition on a written consent mentioned in subsections (3)(c), (4)(b) or (5)(b) if the chief executive considers the condition reasonably necessary to protect the asset.
  - (7) An accommodation provider must comply with any conditions imposed by the chief executive.
  - (8) In this section—

*relevant lease* means relevant property that is leased by the chief executive or the Queensland Housing Commission to an accommodation provider for the purpose of providing a relevant housing service.

**59A Prescribed exempt providers—Act, sch 4, definition *exempt provider***

- (1) This section prescribes for the Act, schedule 4, definition, *exempt provider*, paragraph (b), a person or entity eligible to receive funding to provide—
  - (a) a particular social housing service in this jurisdiction; or
  - (b) any social housing service in this jurisdiction.
- (2) A person or entity, other than an ineligible entity, who, immediately before 1 January 2014, was registered under the pre-amended Act is prescribed to be an exempt provider.

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- (3) A person or entity stops being an exempt provider under this section on the earliest of the following—
- (a) if the registrar decides to approve an application for registration made by the person or entity—the day on which the registration takes effect;
  - (aa) if the registrar decides to approve an application for registration made by the person or entity, but immediately stays the operation of the decision under section 66 of the Act—the day on which the stay ends;
  - (b) the person or entity being registered under the corresponding law of a participating jurisdiction;
  - (c) if an application for registration made by the person or entity is refused (a **relevant decision**) and the person or entity—
    - (i) does not apply under section 65 of the Act for a review of the relevant decision—
      - (A) the day the decision takes effect; or
      - (B) if the operation of the decision is stayed under section 66 of the Act—the day on which the stay ends; or
    - (ii) applies under section 65 of the Act for a review of the relevant decision—the day on which the chief executive gives notice of the review decision;
  - (d) if an application to be registered under the corresponding law of a participating jurisdiction made by the person or entity is refused (also a **relevant decision**) and the person or entity—
    - (i) does not apply for a review, under the corresponding law, of the relevant decision—
      - (A) the day the decision takes effect; or
      - (B) if the operation of the decision is stayed under the corresponding law—the day on which the stay ends; or

- 
- (ii) applies for a review, under the corresponding law, of the relevant decision—the day on which notice of the review decision is given;
  - (e) if the registration, under the pre-amended Act, of the person or entity is cancelled under section 160(1)(a) of the Act—the day the cancellation takes effect;
  - (f) if the registration, under the pre-amended Act, of the person or entity is cancelled under section 163(1)(a) of the Act—the day the cancellation takes effect;
  - (g) the day on which the transitional period within the meaning of section 156 of the Act ends.
- (4) In this section—

*ineligible entity* means an entity whose registration under the pre-amended Act was cancelled under section 157(1) of the Act.

*pre-amended Act* means the Act as in force immediately before 1 January 2014.

## **59B Additional prescribed exempt provider—LCCH**

- (1) This section applies for the Act, schedule 4, definition *exempt provider*, paragraph (b).
- (2) LCCH is prescribed to be an exempt provider.
- (3) However, LCCH stops being an exempt provider on the earliest of the following—
  - (a) 31 January 2015;
  - (b) if the registrar decides to approve LCCH’s application for registration—the day on which the registration takes effect;
  - (c) if the registrar decides to approve LCCH’s application for registration, but immediately stays the operation of the decision under section 66 of the Act—the day on which the stay ends;

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- (d) if the registrar decides to refuse LCCH's application for registration, and LCCH does not apply under section 65 of the Act for a review of the decision—the day on which the decision takes effect;
  - (e) if the registrar decides to refuse LCCH's application for registration, but immediately stays the operation of the decision under section 66 of the Act, and LCCH does not apply under section 65 of the Act for a review of the decision—the day on which the stay ends;
  - (f) if the registrar decides to refuse LCCH's application for registration, and LCCH applies under section 65 of the Act for a review of the decision—the day on which the chief executive gives notice of the review decision.
- (4) In this section—
- LCCH* means Logan City Community Housing Limited ACN 600 538 556.

## **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.

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*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 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

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- (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.

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## **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
  - (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.

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## **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.



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## **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.

#### **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

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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

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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 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).

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**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).

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## Division 5                      Transitional provisions for Housing Amendment Regulation (No. 1) 2013

### 82        Definitions for div 5

In this division—

*commencement* means the commencement of this section.

*former*, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

### 83        Existing assistance agreements

(1) This section applies if—

- (a) before the commencement, an entity (the *provider*) was a registered provider providing, or required under an assistance agreement to provide, a funded service; and
- (b) the assistance agreement continues after the commencement.

(2) Subject to sections 84 to 89, for the period within which the assistance agreement continues, the obligations under part 2 of this regulation apply—

- (a) to the provider as if it were a funded provider; and
- (b) the assistance agreement as if it were a funding agreement; and
- (c) the funded service as if it were a housing service provided, or required to be provided, by the provider using funding under the agreement.

### 84        Obligation to retain documents

(1) This section applies if, immediately before the commencement, an entity (the *provider*) that was a registered provider was required under former part 2 to keep a plan, policy, record, written position description or written statement (each, a *document*).

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- (2) The provider must retain the document for the period that is 7 years after the day the provider last implements the document.
- (3) The requirement under this section is taken to be a prescribed requirement under the Act for the provider.
- (4) In this section—  
*implement*, for a document, see section 7.

## **85 Existing budget and financial reporting obligations**

- (1) This section applies to an entity (the *provider*) that was, immediately before the commencement—
  - (a) a registered provider; and
  - (b) subject to a requirement under any of the following provisions—
    - (i) former section 10(3) and (4);
    - (ii) former section 11;
    - (iii) former section 40.
- (2) For the financial year ending 30 June 2014, the requirements under each of the former provisions mentioned in subsection (1)(b)—
  - (a) continue, despite the repeal of the former provisions, to apply to the provider; and
  - (b) are taken to be prescribed requirements under the Act for the provider.

## **86 Existing obligation to prepare or submit documents**

- (1) This section applies if, before the commencement—
  - (a) the chief executive required an entity (the *provider*) that was a registered provider to prepare or give a document under former section 39; and
  - (b) the provider has not complied with the requirement.

- 
- (2) For subsection (1)(b), it does not matter whether or not the stated reasonable period for the requirement ended before the commencement.
  - (3) The requirement under former section 39—
    - (a) continues, despite the repeal of section 39, to apply to the provider; and
    - (b) is taken to be a prescribed requirement under the Act for the provider.

## **87 Return of surplus amounts**

- (1) This section applies if, before the commencement—
  - (a) the chief executive has given an entity (the *provider*) that was a registered provider a notice under former section 13(2); and
  - (b) the provider has not complied with the notice.
- (2) The requirement under former section 13(3)—
  - (a) continues, despite its repeal, to apply to the provider; and
  - (b) is taken to be a prescribed requirement for the provider under the Act.

## **88 Existing applications for particular relevant goods or services**

- (1) This section applies if—
  - (a) before the commencement, an entity (the *provider*) that was a registered provider mentioned in former section 26A(1)(b) received an application for relevant goods and services provided by a longer term housing provider or a transitional housing provider; and
  - (b) at the commencement, the provider has not given the application to the chief executive.

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- (2) The provider must give the chief executive the application as soon as practicable.

## **89 Unresolved disputes**

- (1) This section applies if, before the commencement—
  - (a) a dispute arose between an entity (the *provider*) that was a registered provider and a client of the provider; and
  - (b) the dispute has not been resolved or otherwise ended.
- (2) For resolving the dispute, the provider must continue to implement the policy mentioned in former section 29(1)(a) that applied for the dispute immediately before the commencement.



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# 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.

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## 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

sections 46(1), 48(5) and 54(1)

### Part 1 Fees for applications and consents

	\$
1 Fee for an application for a loan—	
(a) for building residential premises . . . . .	752.45
(b) for buying existing residential premises . . . . .	649.75
(c) for carrying out building and related works for existing residential premises . . . . .	649.75
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 . . . . .	277.60

### Part 2 Fees for contracts register

	\$
1 Fee for lodging a registrable document under part 3 . . . . .	120.65
2 Fee under section 48(5) for a requisition on a document lodged with the chief executive . . . . .	34.55
3 Additional fee for each document if lodged by post or in person. . . . .	27.60
4 Fee under section 46(1) for searching—	
(a) the register . . . . .	13.70
(b) a document forming part of the register . . . . .	13.70
(c) information kept under section 44 . . . . .	13.70

	\$
5	Fee under section 46 for—
	(a) a copy of the particulars, a document or the information mentioned in section 46(1)(a) . . . . . 13.70
	(b) a certified copy of the particulars, a document or the information mentioned in section 46(1)(a) . . . . . 27.60
	(c) sending the copy of the particulars, a document or the information mentioned in item 5(a) or (b) by facsimile. . . . . 10.85

**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 . . . . . 15.60
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 . . . . . 38.00
3	Fee for producing a document to another person . . . . . 80.30

## Schedule 5 Dictionary

### section 3

**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.

**client** of a funded 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** for part 6, division 5, see section 82.

**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).

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

**funded property**, for a housing service, means any of the following—

- (a) land transferred to the funded provider by the chief executive or another funded provider;
- (b) land acquired by the funded provider wholly or partly using funding or receipts for the housing service;
- (c) land held by the funded provider on which housing has been constructed, or other improvements made, either wholly or partly by the chief executive or using funding or receipts for the housing service;
- (d) property leased by the chief executive to the funded provider for the provision of the housing service;
- (e) property leased by the funded provider using, wholly or partly, funding or receipts for the housing service;
- (f) receipts for the housing service;
- (g) an amount mentioned in section 9(1).

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

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

**keep** a document, for part 2, see section 6.

**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.

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

***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 housing service, means any of the following—

- (a) funding in the form of grants, loans or other financial assistance paid to the funded provider by the chief executive;
- (b) rent or other income, including proceeds of sale, from funded property;
- (c) fees received by the funded provider for providing the housing service;
- (d) any other monies received or provided for the housing service;
- (e) interest received by the funded provider 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.

***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.



***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.

***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

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### 2 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 version
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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	

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 128	
1 January 2014	2013 SL No. 239	
11 April 2014	2014 SL No. 42	
1 July 2014	2014 SL No. 121	
1 August 2014	2014 SL No. 166	

## 4 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

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

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 6**

notfd gaz 28 June 2013 pp 739–47

Endnotes

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ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2013 (see s 2)

**Housing Amendment Regulation (No. 1) 2013 SL No. 239**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 22 November 2013

ss 1–2 commenced on date of notification

s 11(1) (to the extent it oms def *client*) commenced 1 January 2014 on the commencement of the Housing and Other Legislation Amendment Act 2013, part 2 (see s 2) (amdt could not be given effect)

remaining provisions commenced 1 January 2014 on the commencement of the Housing and Other Legislation Amendment Act 2013, part 2 (see s 2)

**Housing Amendment Regulation (No. 1) 2014 SL No. 42**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 11 April 2014

commenced on date of notification

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 121 pts 1, 6**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Housing Amendment Regulation (No.2) 2014 SL No. 166**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 1 August 2014

commenced on date of notification

## 5 List of annotations

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

s 4 sub 2013 SL No. 239 s 4

**Meaning of *affordable housing provider***

s 4A ins 2006 SL No. 305 s 4

om 2013 SL No. 239 s 5

**Inconsistency with funding agreements**

prov hdg amd 2013 SL No. 239 s 6(1)

s 4B ins 2006 SL No. 305 s 4

amd 2013 SL No. 239 s 6(2)

**PART 2—PRESCRIBED REQUIREMENTS**

pt hdg sub 2013 SL No. 239 s 7

**Division 1—Preliminary**

div hdg sub 2013 SL No. 239 s 7

**Prescribed requirements—Act, s 33**

s 5 sub 2013 SL No. 239 s 7

**Requirement to *keep* a document**

s 6 sub 2013 SL No. 239 s 7

**Requirement to *implement* a document**

s 7 sub 2013 SL No. 239 s 7

**Division 2—Financial management and accountability requirements**

div hdg sub 2013 SL No. 239 s 7

**Use of funding and other receipts**

s 8 sub 2013 SL No. 239 s 7

**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

**Return of unexpended amounts**

s 9 sub 2013 SL No. 239 s 7

**Use of funded property as security**

s 10 sub 2013 SL No. 239 s 7

**Particular funded providers must prepare annual financial statements**

s 11 sub 2013 SL No. 239 s 7

**Asset management plan**

s 12 sub 2013 SL No. 239 s 7

**Division 3—Governance and service delivery**

div hdg sub 2013 SL No. 239 s 7

**Compliance with information privacy principles**

s 13 sub 2013 SL No. 239 s 7

**Eligibility assessment and allocations policy—social housing services**

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

sub 2013 SL No. 239 s 7

**Applications for social housing services**

s 15 sub 2013 SL No. 239 s 7

**Eligibility assessment—ancillary housing services**

s 16 amd 2006 SL No. 305 s 7

sub 2013 SL No. 239 s 7

**Rent policy**

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

sub 2013 SL No. 239 s 7

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

s 18 sub 2013 SL No. 239 s 7

**Preparation or submission of documents generally**

**s 19** sub 2013 SL No. 239 s 7

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

**s 20** om 2013 SL No. 239 s 7

**Employment matters**

**s 21** om 2013 SL No. 239 s 7

**Dispute resolution**

**s 22** om 2013 SL No. 239 s 7

**Division 4—Service delivery**

**pt hdg** om 2013 SL No. 239 s 7

**Information about the service**

**s 23** amd 2006 SL No. 305 s 9; 2009 SL No. 238 s 5  
om 2013 SL No. 239 s 7

**Access to the service**

**s 24** om 2013 SL No. 239 s 7

**Referrals policy**

**s 25** om 2013 SL No. 239 s 7

**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  
om 2013 SL No. 239 s 7

**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)  
om 2013 SL No. 239 s 7

**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)  
om 2013 SL No. 239 s 7

**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)  
om 2013 SL No. 239 s 7

**Duration of need policy**

**s 27A** ins 2006 SL No. 305 s 13  
amd 2008 SL No. 52 s 6  
om 2013 SL No. 239 s 7



**Contributions policy**

s 28 om 2013 SL No. 239 s 7

**Dispute resolution and review of decisions**

s 29 om 2013 SL No. 239 s 7

**Feedback**

s 30 om 2013 SL No. 239 s 7

**Hours of operation and contact arrangements**

s 31 om 2013 SL No. 239 s 7

**Division 5—Tenancy matters**

div hdg om 2013 SL No. 239 s 7

**Application of div 5**

s 32 om 2013 SL No. 239 s 7

**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  
om 2013 SL No. 239 s 7

**Rent**

s 34 om 2013 SL No. 239 s 7

**Notices to leave**

s 35 amd 2008 Act No. 73 s 554 sch 1  
om 2013 SL No. 239 s 7

**Maintenance of residential premises**

s 36 amd 2008 Act No. 73 s 554 sch 1  
om 2013 SL No. 239 s 7

**Fire safety**

s 37 om 2013 SL No. 239 s 7

**Division 6—Other property matters**

div hdg om 2013 SL No. 239 s 7

**Asset management plan**

s 38 om 2013 SL No. 239 s 7

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

s 38A ins 2006 SL No. 305 s 14  
amd 2008 SL No. 52 s 7  
om 2013 SL No. 239 s 7

**Division 7—Miscellaneous**

div hdg om 2013 SL No. 239 s 7

**Preparation or submission of documents generally**

s 39 om 2013 SL No. 239 s 7

**Audit requirements for a small proprietary company**

s 40 om 2013 SL No. 239 s 7

**Fees**

s 54 sub 2005 SL No. 47 s 4

**Prescribed housing service information—Act, s 18**

s 57 amd 2013 SL No. 239 s 8

**Transfer or disposition of assets—Act, s 159**

s 59 prev s 59 om R1 (see RA s 40)  
pres s 59 ins 2013 SL No. 239 s 9

**Prescribed exempt providers—Act, sch 4, definition *exempt provider***

s 59A ins 2014 SL No. 42 s 3  
amd 2014 SL No. 166 s 3

**Additional prescribed exempt provider—LCCH**

s 59B ins 2014 SL No. 166 s 4

**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

**Division 5—Transitional provisions for Housing Amendment Regulation (No. 1) 2013**

div 5 (ss 82–89) ins 2013 SL No. 239 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; 2013 SL No. 128 s 12; 2014 SL No. 121 s 12

**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)  
om 2013 SL No. 239 s 11(1)

- def **accreditation** ins 2006 SL No. 305 s 17(1)
- def **affordable housing provider** ins 2006 SL No. 305 s 17(1)
- def **assistance agreement** om 2013 SL No. 239 s 11(1)
- def **boarding house program** ins 2006 SL No. 305 s 17(1)  
om 2008 SL No. 52 s 8(1)
- def **client** om 2013 SL No. 239 s 11(1) (amdt could not be given effect)  
amd 2013 SL No. 239 s 11(3)
- def **commencement** ins 2013 SL No. 239 s 11(2)
- 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 **eligible person** om 2013 SL No. 239 s 11(1)
- def **establishing Act** amd 2013 SL No. 239 s 11(4)
- def **funded property** sub 2013 SL No. 239 s 11(1)–(2)
- def **implement** amd 2013 SL No. 239 s 11(5)
- def **indigenous regional council** ins 2008 SL No. 52 s 8(2)  
om 2013 SL No. 239 s 11(1)
- def **keep** 2013 SL No. 239 s 11(6)
- 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)  
om 2013 SL No. 239 s 11(1)
- def **one social housing system** ins 2006 SL No. 305 s 17(1)
- def **provider** om 2013 SL No. 239 s 11(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 **receipts** sub 2013 SL No. 239 s 11(1)–(2)
- def **relevant goods or services** om 2013 SL No. 239 s 11(1)
- def **rent policy** ins 2006 SL No. 305 s 17(1)  
om 2013 SL No. 239 s 11(1)
- def **residential tenancy agreement** amd 2008 Act No. 73 s 554 sch 1  
om 2013 SL No. 239 s 11(1)
- def **same house different landlord program** ins 2009 SL No. 238 s 11(2)
- def **service** om 2013 SL No. 239 s 11(1)
- def **tenancy agreement** om 2013 SL No. 239 s 11(1)
- def **tenant** om 2013 SL No. 239 s 11(1)
- 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)

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