



Queensland

Housing and Other Acts Amendment Act 2005

Act No. 33 of 2005



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Housing and Other Acts Amendment Act 2005

Act No. 33 of 2005

An Act to amend the *Housing Act 2003*, the *Building and Construction Industry Payments Act 2004* and the *Local Government Act 1993* and for another purpose

[Assented to 18 August 2005]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Housing and Other Acts Amendment Act 2005*.

2 Commencement

- (1) Sections 7 and 11 are taken to have commenced on 31 December 2003.
- (2) Section 8(4) and part 4, other than section 18, are taken to have commenced on 1 January 2004.

Part 2 Amendment of Housing Act 2003

3 Act amended in pt 2

This part amends the *Housing Act 2003*.

4 Omission of s 38 (Application of pt 5)

Section 38—
omit.

5 Amendment of s 81 (Power to require information or documents)

Section 81(5), after ‘subsection (1)’—

insert—

‘or (3)’.

6 Amendment of s 92 (Standard interest rates)

Section 92(2)—

omit, insert—

‘(2) The declared rates may include—

(a) 1 or more standard fixed interest rates; and

(b) 1 or more standard variable interest rates.’.

7 Amendment of s 95 (Exemption from rating)

(1) Section 95(2)(a) and (b), after ‘contract’—

insert—

‘or a section 113 contract’.

(2) Section 95(3)—

insert—

‘**section 113 contract** means a contract of sale, entered into under section 113, under which—

(a) the purchasing price, other than any deposit, is payable in 2 or more instalments; or

(b) the sale is of a share in a house and land.’.

8 Amendment of s 113 (Chief executive’s power to sell houses to eligible persons)

(1) Section 113(3A), ‘(3B) to (3D)’—

omit, insert—

‘(3B) and (3D)’.

- (2) Section 113(3C), (4) and (4A)—
omit.
- (3) Section 113(3D), ‘(3A) to (3C)’—
omit, insert—
‘(3A) and (3B)’.
- (4) Section 113(3E), ‘Governor in Council’—
omit, insert—
‘chief executive’.
- (5) Section 113, heading after subsection (3F)—
omit.

9 Amendment of s 141 (Continuing application of the repealed Act, pt 6C)

Section 141(3), ‘, 29Q’—
omit.

10 Insertion of new pt 10, div 5

After section 151—
insert—

‘Division 5 Provision for Housing and Other Acts Amendment Act 2005

‘152 Commencement of certain provisions

- ‘(1) It is declared that the provisions of the *Housing Act 2003* as amended under the *Housing and Other Acts Amendment Act 2005*, sections 7 and 11, are taken to have commenced on 1 January 2004 under the commencing proclamation.
- ‘(2) In this section—
commencing proclamation means Subordinate Legislation 2003 No. 332 made under this Act, by which 1 January 2004 was fixed for the commencement of provisions of this Act that were not in force.’.

11 Amendment of sch 2 (Amendment of Acts)

Schedule 2, provisions for the *State Housing (Freeholding of Land) Act 1957*, amendments 5 to 31—

omit, insert—

‘5 Section 4, from ‘the State’ to ‘commission’—

omit, insert—

‘the *Housing Act 2003*, section 113 or the repealed *State Housing Act 1945*, section 24A may apply in writing to the chief executive’.

‘6 Section 5(1), (2)(a), (2A), (2B), (2C), (2D), (4) and (5), ‘commission’—

omit, insert—

‘chief executive’.

‘7 Section 6(1), (2), (2A) and (4), ‘commission’—

omit, insert—

‘chief executive’.

‘8 Section 7, ‘commission’—

omit, insert—

‘chief executive’.

‘9 Section 8(1)(a) and (b), ‘commission’—

omit, insert—

‘chief executive’.

‘10 Section 8(1)(f), before ‘State Housing Act 1945’—

insert—

‘*Housing Act 2003* or the repealed’.

- ‘11 Section 9(1)(a), (2)(a), (3)(b), (5) and (7), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘12 Section 9(1)(b), (2)(b) and (4), ‘State Housing Act 1945’—**
omit, insert—
‘*Housing Act 2003*’.
- ‘13 Section 9(5), ‘it’—**
omit, insert—
‘the chief executive’.
- ‘14 Section 10(2), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘15 Section 10(4)—**
omit, insert—
‘(4) The deed of grant is issued subject to all the encumbrances to which the lease was subject and in the same priorities.’.
- ‘16 Section 10(5), from ‘whether’ to ‘Land Act’—**
omit, insert—
‘is taken to be issued under the *Land Act 1994*’.
- ‘17 Section 10A, heading, ‘1962’—**
omit, insert—
‘1994’.

- ‘18 Section 10A, from ‘provisions of the *Land Act 1962*’ to ‘commencement of that Act’—**
omit, insert—
‘Land Act 1994 applies’.
- ‘19 Section 10A(b), ‘commission’—**
omit, insert—
‘department in which this Act is administered’.
- ‘20 Section 10B(1), from ‘*State*’ to ‘Minister’—**
omit, insert—
‘Housing Act 2003, section 112 may apply to the chief executive’.
- ‘21 Section 10B(3), from ‘Minister’ to ‘section 22B(2)(b)(iv)’**
omit, insert—
*‘chief executive has been satisfied that the covenants, if any, under the *Housing Act 2003*, section 112(2B)(d)’.*
- ‘22 Section 10C(2)(a), (2B), (2C), (2D), (3) and (4), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘23 Section 10D(1) and (2), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘24 Section 10E(1) and (2), ‘commission’—**
omit, insert—
‘chief executive’.

- ‘25 Section 10F, ‘commission’—**
omit, insert—
‘chief executive’.
- ‘26 Section 10G(b), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘27 Section 10G(f), before ‘State Housing 1945’—**
insert—
‘*Housing Act 2003* or the repealed’.
- ‘28 Section 10H(2), ‘Governor in Council’—**
omit, insert—
‘chief executive’.
- ‘29 Section 10H(2) and (4), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘30 Section 10I(2), ‘commission’—**
omit, insert—
‘chief executive’.
- ‘31 Section 10J, heading, ‘1962’—**
omit, insert—
‘1994’.

- (a) the State's interest in the land; and
- (b) if the land is the subject of a housing Act contract—amounts owing to the State under the contract.

‘(4) In this section—

chief executive (housing) means the chief executive of the department in which the *Housing Act 2003* is administered.’.

18 Insertion of new ch 19, pt 11

After section 1272—

insert—

‘Part 11 Transitional provision for Housing and Other Acts Amendment Act 2005

‘1273 Validation of levying of rates for certain lands

‘(1) This section applies to a rate levied—

- (a) for the whole or a part of the period from 1 January 2004 to the commencement of this section (the *validation period*); and
- (b) for land of which the owner was, for the whole or part of the validation period, a purchaser of land under a *Housing Act 2003* section 113 contract.

‘(2) The rate is taken to have been, at all times, validly levied.’.

19 Amendment of schedule (Dictionary)

Schedule—

insert—

‘*housing Act contract* means—

- (a) a housing Act s 24 contract; or
- (b) a *Housing Act 2003* section 113 contract.

‘Housing Act 2003 section 113 contract means a contract of sale entered into under the *Housing Act 2003*, section 113, under which—

- (a) the purchasing price, other than any deposit, is payable in 2 or more instalments; or
- (b) the sale is of a share in a house and land.’.

Part 5 Repeal

20 Repeal

The Commonwealth and State Housing Agreement (Service Personnel) Act 1991 No. 54 is repealed.