

Laid before the Legislative Assembly on 7 April 2005**Votes and Proceedings No. 50 (19 April 2005)****Housing and Other Acts Amendment Bill 2005****Erratum to Explanatory Notes****Title of the Bill**

Housing and Other Acts Amendment Bill 2005

Reason for Erratum

Additional information is required in the Explanatory Notes accompanying the Housing and Other Acts Amendment Bill 2005 tabled in Parliament on 8 March 2005.

Additional information is required within the General Outline and *clause 11* to explain fully the scope of the amendments to the *Housing (Freeholding of Land) Act 1957*.

Notes on Provisions

General Outline under the heading *Reasons for the objectives and how they will be achieved*

Omit —

“

- validating concessions provided for conversions of perpetual leases to freehold made from 1 January 2004, when the Housing Act commenced, and restoring the power to provide such concessions;”

Insert—

“

- reinstating the right of holders of perpetual town leases to apply to have their leases deemed freeholding leases, restoring the power to provide concessions on the freehold price for residential perpetual town leases and validating applications received and concessions provided for conversions to freehold undertaken from 1 January 2004, when the Housing Act commenced;”

General Outline under the heading *Consistency with Fundamental Legislative Principles*

Omit —

“Concessions to the conversion of perpetual leases to freehold

Holders of perpetual leases can apply to convert their leasehold interest to freehold, upon payment of the freehold value of the land. Under the *State Housing (Freeholding of Land) Act 1957*, lessees were entitled to receive a concession on the freehold price based on rental payments by the lessee. In the consequential amendments made by the Housing Act to the *State Housing (Freeholding of Land) Act 1957*, the chief executive power to provide these concessions was inadvertently removed.

The Bill will empower the chief executive to offer concessions to reduce the cost of freeholding to holders of residential perpetual leases, on conversion of their interest to freehold and provide the legislative basis for any concessions provided for conversions to freehold undertaken from 1 January 2004, when the Housing Act commenced.

The retrospective nature of the amendment can be justified as it clearly provides benefits to clients and will not impact negatively on the rights and liberties of individuals.”

Insert—

“Conversion of perpetual leases to freehold

Holders of perpetual leases can apply to have their lease deemed a freeholding lease upon payment of the unimproved value of the land. Under the *State Housing (Freeholding of Land) Act 1957*, holders of perpetual town leases had the right to apply to have their lease deemed a freeholding lease and, in the case of residential perpetual town lessees, to receive a concession on the freehold price based on rental payments by the lessee. In the consequential amendments made by the Housing Act to the *State Housing (Freeholding of Land) Act 1957*, the rights of holders of

perpetual town leases to apply to convert their lease to freehold and the chief executive's power to provide concessions to residential perpetual town leaseholders was inadvertently removed.

Consequently, the Housing and Other Acts Amendment Bill 2005 will:

- reinstate the right of holders of perpetual town leases to apply to have their lease deemed a freeholding lease;
- restore the power to provide concessions on the freehold price for residential perpetual town leases; and
- validate applications received and determined, and concessions provided for conversions to freehold from 1 January 2004, when the Housing Act commenced.

The retrospective nature of the amendment can be justified as it clearly provides benefits to clients and will not impact negatively on the rights and liberties of individuals.”

Amendment of sch 2 (Amendments of Act)

Omit—

“*Clause 11* provides for the removal of schedule 2, provisions for the *State Housing (Freeholding of Land) Act 1957*, sections 5–31. These are replaced with provisions which:

- give the chief executive power to offer concessions to reduce the cost of freeholding, to holders of residential perpetual leases, on conversion of their interest to freehold; and
- provide the legislative basis for any concessions provided for conversions to freehold undertaken from 1 January 2004, when the Housing Act commenced.”

Insert—

“*Clause 11* provides for the omission of provisions in schedule 2 to the Housing Act which amended the *State Housing (Freeholding of Land) Act 1957*. Paragraphs 5–31 of these amendments are omitted and replaced with paragraphs 5–33. These provisions:

- replace references to the repealed *State Housing Act 1945* with references to the *Housing Act 2003* and replace references to the Queensland Housing Commission with references to the chief executive;

- clarify that the *Land Act 1994* applies to a freeholding lease issued under the *State Housing (Freeholding of Land) Act 1957*;
- reinstate the right of holders of perpetual town leases to apply to have their leases deemed freeholding leases; and
- restore the chief executive's power to provide concessions on the freehold price for residential perpetual town leases.”