



Queensland

Housing and Other Acts Amendment Bill 2005



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2005

A Bill

for

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

The Parliament of Queensland enacts—		1
Part 1	Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Housing and Other Acts Amendment Act 2005</i> .	4 5
Clause 2	Commencement	6
	(1) Sections 7 and 11 are taken to have commenced on 31 December 2003.	7 8
	(2) Section 8(4) and part 4, other than section 18, are taken to have commenced on 1 January 2004.	9 10
Part 2	Amendment of Housing Act 2003	11 12
Clause 3	Act amended in pt 2	13
	This part amends the <i>Housing Act 2003</i> .	14
Clause 4	Omission of s 38 (Application of pt 5)	15
	Section 38—	16
	<i>omit.</i>	17

Clause 5	Amendment of s 81 (Power to require information or documents)	1 2
	Section 81(5), after ‘subsection (1)’—	3
	<i>insert</i> —	4
	‘or (3)’.	5
Clause 6	Amendment of s 92 (Standard interest rates)	6
	Section 92(2)—	7
	<i>omit, insert</i> —	8
	‘(2) The declared rates may include—	9
	(a) 1 or more standard fixed interest rates; and	10
	(b) 1 or more standard variable interest rates.’.	11
Clause 7	Amendment of s 95 (Exemption from rating)	12
	(1) Section 95(2)(a) and (b), after ‘contract’—	13
	<i>insert</i> —	14
	‘or a section 113 contract’.	15
	(2) Section 95(3)—	16
	<i>insert</i> —	17
	‘ <i>section 113 contract</i> means a contract of sale, entered into under section 113, under which—	18 19
	(a) the purchasing price, other than any deposit, is payable in 2 or more instalments; or	20 21
	(b) the sale is of a share in a house and land.’.	22
Clause 8	Amendment of s 113 (Chief executive’s power to sell houses to eligible persons)	23 24
	(1) Section 113(3A), ‘(3B) to (3D)’—	25
	<i>omit, insert</i> —	26
	‘(3B) and (3D)’.	27

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- | | | |
|--|---|----|
| | (2) Section 113(3C), (4) and (4A)— | 1 |
| | <i>omit.</i> | 2 |
| | (3) Section 113(3D), ‘(3A) to (3C)’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | ‘(3A) and (3B)’. | 5 |
| | (4) Section 113(3E), ‘Governor in Council’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | ‘chief executive’. | 8 |
| | (5) Section 113, heading after subsection (3F)— | 9 |
| | <i>omit.</i> | 10 |

- | | | |
|-----------------|---|----|
| Clause 9 | Amendment of s 141 (Continuing application of the repealed Act, pt 6C) | 11 |
| | Section 141(3), ‘, 29Q’— | 12 |
| | <i>omit.</i> | 13 |
| | | 14 |

- | | | |
|------------------|--------------------------------------|----|
| Clause 10 | Insertion of new pt 10, div 5 | 15 |
| | After section 151— | 16 |
| | <i>insert—</i> | 17 |

	‘Division 5 Provision for Housing and Other Acts Amendment Act 2005	18
		19

	‘152 Commencement of certain provisions	20
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- | | | |
|--|--|----|
| | ‘(1) It is declared that the provisions of the <i>Housing Act 2003</i> as amended under the <i>Housing and Other Acts Amendment Act 2005</i> , sections 7 and 11, are taken to have commenced on 1 January 2004 under the commencing proclamation. | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
| | ‘(2) In this section— | 25 |
| | <i>commencing proclamation</i> 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.’. | 26 |
| | | 27 |
| | | 28 |
| | | 29 |

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Clause 11	Amendment of sch 2 (Amendment of Acts)	1
	Schedule 2, provisions for the <i>State Housing (Freeholding of Land) Act 1957</i> , amendments 5 to 31—	2 3
	<i>omit, insert—</i>	4
'5	Section 4, from 'the State' to 'commission'—	5
	<i>omit, insert—</i>	6
	'the <i>Housing Act 2003</i> , section 113 or the repealed <i>State Housing Act 1945</i> , section 24A may apply in writing to the chief executive'.	7 8 9
'6	Section 5(1), (2)(a), (2A), (2B), (2C), (2D), (4) and (5), 'commission'—	10 11
	<i>omit, insert—</i>	12
	'chief executive'.	13
'7	Section 6(1), (2), (2A) and (4), 'commission'—	14
	<i>omit, insert—</i>	15
	'chief executive'.	16
'8	Section 7, 'commission'—	17
	<i>omit, insert—</i>	18
	'chief executive'.	19
'9	Section 8(1)(a) and (b), 'commission'—	20
	<i>omit, insert—</i>	21
	'chief executive'.	22
'10	Section 8(1)(f), before 'State Housing Act 1945'—	23
	<i>insert—</i>	24
	' <i>Housing Act 2003</i> or the repealed'.	25

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'11	Section 9(1)(a), (2)(a), (3)(b), (5) and (7), 'commission'—	1
	<i>omit, insert—</i>	2
	'chief executive'.	3
'12	Section 9(1)(b), (2)(b) and (4), 'State Housing Act 1945'—	4
	<i>omit, insert—</i>	5
	'Housing Act 2003'.	6
'13	Section 9(5), 'it'—	7
	<i>omit, insert—</i>	8
	'the chief executive'.	9
'14	Section 10(2), 'commission'—	10
	<i>omit, insert—</i>	11
	'chief executive'.	12
'15	Section 10(4)—	13
	<i>omit, insert—</i>	14
	'(4) The deed of grant is issued subject to all the encumbrances to which the lease was subject and in the same priorities.'	15
		16
'16	Section 10(5), from 'whether' to 'Land Act'—	17
	<i>omit, insert—</i>	18
	'is taken to be issued under the <i>Land Act 1994</i> '.	19
'17	Section 10A, heading, '1962'—	20
	<i>omit, insert—</i>	21
	'1994'.	22

'18	Section 10A, from 'provisions of the <i>Land Act 1962</i>' to 'commencement of that Act'—	1
	<i>omit, insert—</i>	2
	<i>'Land Act 1994 applies'.</i>	3
'19	Section 10A(b), 'commission'—	5
	<i>omit, insert—</i>	6
	<i>'department in which this Act is administered'.</i>	7
'20	Section 10B(1), from '<i>State</i>' to '<i>Minister</i>'—	8
	<i>omit, insert—</i>	9
	<i>'Housing Act 2003, section 112 may apply to the chief executive'.</i>	10
		11
'21	Section 10B(3), from '<i>Minister</i>' to 'section 22B(2)(b)(iv)'	12
	<i>omit, insert—</i>	13
	<i>'chief executive has been satisfied that the covenants, if any, under the <i>Housing Act 2003, section 112(2B)(d)</i>'.</i>	14
		15
'22	Section 10C(2)(a), (2B), (2C), (2D), (3) and (4), 'commission'—	16
	<i>omit, insert—</i>	17
	<i>'chief executive'.</i>	18
		19
'23	Section 10D(1) and (2), 'commission'—	20
	<i>omit, insert—</i>	21
	<i>'chief executive'.</i>	22
		23
'24	Section 10E(1) and (2), 'commission'—	23
	<i>omit, insert—</i>	24
	<i>'chief executive'.</i>	25
		25

'25	Section 10F, 'commission'—	1
	<i>omit, insert—</i>	2
	'chief executive'.	3
'26	Section 10G(b), 'commission'—	4
	<i>omit, insert—</i>	5
	'chief executive'.	6
'27	Section 10G(f), before 'State Housing 1945'—	7
	<i>insert—</i>	8
	'Housing Act 2003 or the repealed'.	9
'28	Section 10H(2), 'Governor in Council'—	10
	<i>omit, insert—</i>	11
	'chief executive'.	12
'29	Section 10H(2) and (4), 'commission'—	13
	<i>omit, insert—</i>	14
	'chief executive'.	15
'30	Section 10I(2), 'commission'—	16
	<i>omit, insert—</i>	17
	'chief executive'.	18
'31	Section 10J, heading, '1962'—	19
	<i>omit, insert—</i>	20
	'1994'.	21

'32	Section 10J, from 'provisions of the <i>Land Act 1962</i>' to 'adaptations apply'—	1
	<i>omit, insert—</i>	2
	<i>'Land Act 1994 applies'.</i>	3
'33	Section 10J(b), 'commission'—	4
	<i>omit, insert—</i>	5
	<i>'department in which this Act is administered'.</i>	6
Part 3	Amendment of Building and Construction Industry Payments Act 2004	7
		8
		9
		10
Clause 12	Act amended in pt 3	11
	<i>This part amends the <i>Building and Construction Industry Payments Act 2004</i>.</i>	12
		13
Clause 13	Amendment of sch 1 (Amendments of Acts)	14
	Schedule 1, amendment 5 of the <i>Queensland Building Services Authority Act 1991</i> , proposed section 67AAA(1)(b), 'that includes'—	15
	<i>omit, insert—</i>	16
	<i>'exclusively for'.</i>	17
		18
		19

Part 4	Amendment of Local Government Act 1993	1 2
Clause 14	Act amended in pt 4	3
	This part amends the <i>Local Government Act 1993</i> .	4
Clause 15	Amendment of s 4 (Meaning of <i>owner</i> of land)	5
	Section 4(1)(ba) and (bb), ‘s 24’—	6
	<i>omit</i> .	7
Clause 16	Amendment of s 1047 (Application of proceeds of sale)	8
	Section 1047(4), ‘section 1057’—	9
	<i>omit, insert—</i>	10
	‘sections 1057 and 1057A’.	11
Clause 17	Replacement of s 1057A (Priority of Queensland Housing Commission preserved)	12 13
	Section 1057A—	14
	<i>omit, insert—</i>	15
	‘1057A Priority of State preserved—housing Act contracts	16
	‘(1) This section applies if—	17
	(a) a local government intends to deal with land under this part; and	18 19
	(b) the land is the subject of a housing Act contract or a person has a share in the land that the person bought under a housing Act contract.	20 21 22
	‘(2) The local government must give the chief executive (housing) written notice of its intention to deal with the land before dealing with the land.	23 24 25
	‘(3) The local government may sell or acquire the land only on the conditions agreed with the chief executive (housing) about paying to the State an agreed amount on account of—	26 27 28

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- (a) the State’s interest in the land; and 1
- (b) if the land is the subject of a housing Act 2
contract—amounts owing to the State under the 3
contract. 4
- ‘(4) In this section— 5
chief executive (housing) means the chief executive of the 6
department in which the *Housing Act 2003* is administered.’. 7

Clause 18 Insertion of new ch 19, pt 11 8

After section 1272— 9

insert— 10

**‘Part 11 Transitional provision for 11
Housing and Other Acts 12
Amendment Act 2005 13**

‘1273 Validation of levying of rates for certain lands 14

‘(1) This section applies to a rate levied— 15

(a) for the whole or a part of the period from 1 January 16
2004 to the commencement of this section (the 17
validation period); and 18

(b) for land of which the owner was, for the whole or part of 19
the validation period, a purchaser of land under a 20
Housing Act 2003 section 113 contract. 21

‘(2) The rate is taken to have been, at all times, validly levied.’. 22

Clause 19 Amendment of schedule (Dictionary) 23

Schedule— 24

insert— 25

‘housing Act contract means— 26

(a) a housing Act s 24 contract; or 27

(b) a *Housing Act 2003* section 113 contract. 28

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- '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** 7

- Clause 20** **Repeal** 8
- The Commonwealth and State Housing Agreement (Service Personnel) Act 1991 No. 54 is repealed. 9
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