



*Housing Act 2003*

# **Housing Regulation 2015**

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Queensland

# Housing Regulation 2015

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# Housing Regulation 2015

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Housing Regulation 2015*.

### 2 Commencement

This regulation commences on 1 September 2015.

### 3 Dictionary

The dictionary in schedule 2 defines particular words used in this regulation.

### 4 Ancillary housing services—Act, s 8(5)(b)(vii)

The following services are prescribed as an ancillary housing service—

- (a) the National Rental Affordability Scheme;
- (b) a housing-related education or employment service.

## **Part 2                      Housing services requirements—funded providers other than BTR providers and HIF providers**

### **Division 1                      Introductory**

#### **5                      Housing services requirements—Act, s 33**

This part prescribes the requirements relating to the provision of housing services for which a funded provider, other than a BTR provider or HIF provider, receives funding.

#### **6                      Inconsistency with funding agreements**

- (1) If a provision of this part is inconsistent with a term of a funding agreement—
  - (a) the provision prevails; and
  - (b) the term is void to the extent of the inconsistency.
- (2) Subsection (1) does not limit another provision of this regulation.

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

#### **7                      Using funding and receipts**

A funded provider must use the funding or receipts that the funded provider receives for a housing service in a way that complies with the funding agreement for the service.

#### **8                      Returning unspent receipts**

- (1) This section applies if—



- (a) a funding agreement with a funded provider is in force; and
- (b) the funded provider—
  - (i) is required, under the funding agreement, to spend an amount comprised of receipts for a housing service within a stated period; and
  - (ii) has not spent the amount by the end of the period.
- (2) 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 funded provider receives the written notice.

## 9 Returning accumulated unspent receipts

- (1) This section applies if—
  - (a) a funding agreement is in force; and
  - (b) the funding agreement relates to a funded property; and
  - (c) the funded provider is not required, under the funding agreement, to pay the chief executive amounts, consisting of receipts for a housing service, that the funded provider has not spent, either—
    - (i) while the funding agreement is in force; or
    - (ii) when the funding agreement ends.
- (2) The chief executive may, by written notice (a **payment notice**) given within 12 months after the end of a financial year (the **notice year**), require the funded provider to pay an amount of not more than an amount equal to the accumulated unspent receipts to the chief executive.
- (3) If the funded property to which the funding agreement relates was not acquired, constructed or improved wholly using receipts, the accumulated unspent receipts amount must be reduced by the offset percentage.

- (4) The funded provider must pay the amount stated in the payment notice to the chief executive within 8 weeks after the day the funded provider receives the written notice.
- (5) In this section—

***accumulated unspent receipts*** means an amount equal to the receipts amount less—

- (a) the spent amount; and
- (b) the repaid amount.

***offset percentage*** means the amount of money other than receipts that is used to acquire, construct or improve a funded property, expressed as a percentage of the total cost of acquiring, constructing or improving the funded property.

*Example—*

A funding provider acquires a property for \$1,000,000, using \$750,000 of receipts and \$250,000 of the provider's own money. The offset percentage is 25%.

***receipts amount*** means the amount of receipts, other than funding, for the housing service received by the funded provider, as at the end of the notice year.

***repaid amount*** means the amount of receipts, other than funding, the funded provider has paid to the chief executive as at the end of the notice year.

***spent amount*** means the amount of receipts, other than funding—

- (a) the funded provider has spent, as allowed under the funding agreement, as at the end of the notice year; or
- (b) the funded provider has retained, with the written approval of the chief executive, as at the end of the notice year.

## 10 Using funded property as security

A funded provider must not use funded property as security for a loan unless—

- (a) the funded provider is—
  - (i) a registered provider; and
  - (ii) a company registered under the Corporations Act; and
- (b) the chief executive gives the funded provider written approval to use the funded property as security for the loan.

## **11 Financial statements for ancillary housing service**

- (1) This section applies to a funded provider that receives funding for an ancillary housing service.
- (2) The funded provider must prepare annual financial statements for each financial year in which the funded provider receives the funding.
- (3) If the funded provider is established under an Act, the annual financial statements must be in the form, and contain the information, required under the Act.
- (4) If the chief executive requests a copy of the annual financial statements, the funded provider must comply with the request.
- (5) The funded provider must comply with this section even if the funded provider—
  - (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 plans**

- (1) A funded provider must keep, and implement, a management plan (an asset management plan) for each of the provider's funded property.
- (2) The purpose of an asset management plan is to—

- (a) maintain the long-term viability, and value, of the funded property; and
- (b) ensure the funded property is appropriate for—
  - (i) the type of housing service the funded provider provides; and
  - (ii) the needs of people using the housing service; and
  - (iii) the circumstances in which the funded provider provides the housing service.
- (3) An asset management plan must include financial strategies for the plan’s 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                      Complying with information privacy principles**

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

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

- (1) This section applies to a funded provider that receives funding to provide a social housing service.
- (2) The funded provider must implement—
  - (a) if assessing a person’s eligibility to receive or continue to receive the service—the Social Housing Eligibility Criteria; and
  - (b) if allocating the service—the Allocations Policy for Funded Social Housing Providers.
- (3) In this section—

***Allocations Policy for Funded Social Housing Providers*** means the document with that name published by the department.

***Social Housing Eligibility Criteria*** means the document with that name published by the department.

*Note—*

Copies of these documents are available from the department, on request, or from the department's website.

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

- (1) A funded provider may accept an application from a person for a social housing service only if the application is in the approved form.
- (2) Unless the funded provider is an approved funded provider, the funded provider must, as soon as practicable, give the application to—
  - (a) the chief executive; or
  - (b) an approved funded provider.
- (3) In this section—

***approved funded provider*** means a funded provider the chief executive approves to receive an application for a social housing service.

## **16 Eligibility policy for ancillary housing services**

- (1) This section applies to a funded provider that receives funding to provide an ancillary housing service.
- (2) The funded provider must—
  - (a) keep an eligibility policy; and
  - (b) implement the eligibility policy consistently and fairly.
- (3) In this section—

***eligibility policy*** means a policy that—

- (a) states the criteria and procedures for deciding whether a person is eligible to receive the service; and
- (b) complies with the funding agreement for the service.

## 17 Rent policy for residential housing

- (1) This section applies to a funded provider that receives funding to provide housing for residential use.
- (2) The funded provider must—
  - (a) keep a rent policy; and
  - (b) implement the rent policy consistently and fairly.
- (3) The funded provider must comply with subsection (2) even if rent is not paid for the housing.
- (4) However, if a tenant pays rent for the housing, the funded provider must keep a record of rent calculations for the tenant for the period—
  - (a) starting on the day the tenant starts paying rent; and
  - (b) ending on the day that is 6 months after the last day the tenant pays rent.
- (5) In this section—

***rent policy*** means a policy that—

  - (a) states the criteria and procedures relating to rent paid by a tenant, including about—
    - (i) setting the amount of rent; and
    - (ii) calculating rent payments; and
    - (iii) collecting rent; and
    - (iv) managing rent arrears; and
  - (b) provides for—
    - (i) explaining rent calculations to the tenant and dealing with their queries about rent; and
    - (ii) giving the tenant a choice of ways to pay rent; and

- (iii) preventing the tenant from getting into serious arrears of rent; and
- (c) complies with the funding agreement for the service.

*tenant* means an individual who a housing service is provided to for residential use.

## **18 Information about funded properties**

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

## **19 Information about housing services**

- (1) This section applies to a funded provider that receives funding to provide a housing service.
- (2) The chief executive may, by written notice, require a funded provider to give the following information to the chief executive—
  - (a) information, including financial information, about the housing service;
  - (b) information about the use of a funded property;
  - (c) non-identifying information about a client of the funded provider;
  - (d) any other information about the funding the funded provider receives that the chief executive considers appropriate.
- (3) The funded provider must comply with the request within the time stated in the notice.

(4) In this section—

*client*—

(a) means a person who—

(i) is receiving a housing service from the funded provider; or

(ii) has applied to the funded provider for a housing service; and

(b) includes a tenant.

## Part 2A                      Housing services requirements—BTR providers and HIF providers

### Division 1                      Preliminary

#### 19A      Definitions for part

In this part—

*BTR provider* means an entity that is approved by the State as having the appropriate financial standing, technical capacity and capability to participate in the Build to Rent pilot project.

*Build to Rent pilot project* see section 19B.

*HIF provider* means an entity that is approved by the State as having the appropriate financial standing, technical capacity and capability to participate in the Housing Investment Fund program.

*Housing Investment Fund program* see section 19C.

#### 19B      What is the *Build to Rent pilot project*

The *Build to Rent pilot project* is the pilot project administered by the State that seeks to deliver affordable



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housing to low to moderate income earners by providing rent subsidies to developers to encourage the development of affordable housing in Queensland.

### **19C What is the *Housing Investment Fund program***

- (1) The *Housing Investment Fund program* is the program administered by the State that—
  - (a) seeks to deliver community housing and affordable housing to low to moderate income earners; and
  - (b) provides subsidies, one-off capital grants and other support to encourage developers, builders, tenancy managers, institutional investors and superannuation funds to develop, finance and operate community housing and affordable housing in Queensland.
- (2) In this section—

*community housing* means a community housing service provided by a registered provider.

### **19D Housing services requirements—Act, s 33**

This part prescribes the requirements relating to the provision of housing services for which a funded provider who is a BTR provider or HIF provider receives funding.

*Note—*

A BTR provider or HIF provider is an exempt provider under schedule 4 of the Act. See section 38A.

### **19E Inconsistency with funding agreements**

- (1) If a provision of this part is inconsistent with a term of a funding agreement—
  - (a) the provision prevails; and
  - (b) the term is void to the extent of the inconsistency.
- (2) Subsection (1) does not limit another provision of this regulation.

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

### **19F      Using funding and receipts**

- (1) This section applies to a BTR provider or HIF provider.
- (2) The BTR provider or HIF provider must use the funding or receipts that the provider receives for a housing service in a way that complies with the funding agreement for the service.

### **19G      Financial statements for ancillary housing service**

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

### **19H      Using funded property as security**

- (1) This section applies to a HIF provider.
- (2) The HIF provider must not use funded property as security for a loan unless the chief executive gives the HIF provider

written approval to use the funded property as security for the loan.

## **19I Asset management plans**

- (1) This section applies to a HIF provider.
- (2) The HIF provider must keep, and implement, a management plan (an *asset management plan*) for each of the HIF provider's funded properties.
- (3) The purpose of an asset management plan is to—
  - (a) maintain the long-term viability, and value, of the funded property; and
  - (b) ensure the funded property is appropriate for—
    - (i) the type of housing service the HIF provider provides; and
    - (ii) the needs of people using the housing service; and
    - (iii) the circumstances in which the HIF provider provides the housing service.
- (4) An asset management plan must include financial strategies for the plan's implementation.
- (5) If the chief executive requests a copy of an asset management plan, the HIF provider must comply with the request.

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

### **19J Compliance with information privacy principles**

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

### **19K Eligibility policy for social housing services**

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a social housing service.
- (2) The BTR provider or HIF provider must—
  - (a) have an eligibility policy for the social housing service; and
  - (b) implement the eligibility policy for the social housing service consistently and fairly.
- (3) In this section—

*eligibility policy*, for a social housing service, means a policy that—

  - (a) states the criteria and procedures for deciding whether a person is eligible to receive the service; and
  - (b) complies with the funding agreement for the service.

### **19L Allocations policy for social housing services**

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a social housing service.
- (2) The BTR provider or HIF provider must—
  - (a) have an allocations policy for the social housing service; and
  - (b) implement the allocations policy for the social housing service consistently and fairly.
- (3) In this section—

*allocations policy*, for a social housing service, means a policy that—

  - (a) states the criteria and procedures for deciding whether the service is to be allocated to a person eligible to receive the service; and
  - (b) complies with the funding agreement for the service.

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## 19M Eligibility policy for ancillary housing services

- (1) This section applies to a HIF provider that receives funding to provide an ancillary housing service.
- (2) The HIF provider must—
  - (a) have an eligibility policy for the ancillary housing service; and
  - (b) implement the eligibility policy for the ancillary housing service consistently and fairly.
- (3) In this section—

*eligibility policy*, for an ancillary housing service, means a policy that—

  - (a) states the criteria and procedures for deciding whether a person is eligible to receive the service; and
  - (b) complies with the funding agreement for the service.

## 19N Rent policy for residential housing

- (1) This section applies to a BTR provider or HIF provider that receives funding to provide a housing service for residential use.
- (2) The BTR provider or HIF provider must—
  - (a) keep a rent policy for the housing service; and
  - (b) implement the rent policy for the housing service consistently and fairly.
- (3) The BTR provider or HIF provider must comply with subsection (2) even if rent is not paid for the housing service.
- (4) However, if a tenant pays rent for the housing service, the BTR provider or HIF provider must keep a record of rent calculations for the tenant for the period required under the funding agreement.
- (5) In this section—

*rent policy*, for a housing service for residential use, means a policy that—

- (a) states the criteria and procedures relating to rent paid by a tenant for the service, including, for example, about—
  - (i) setting the amount of rent; and
  - (ii) calculating rent payments; and
  - (iii) collecting rent; and
  - (iv) managing rent arrears; and
- (b) provides for—
  - (i) explaining rent calculations to the tenant and dealing with their queries about rent; and
  - (ii) giving the tenant a choice of ways to pay rent; and
  - (iii) preventing the tenant from getting into serious arrears of rent; and
- (c) complies with the funding agreement for the service.

*tenant* means an individual to whom a housing service is provided for residential use.

## **190 Information about funded properties**

- (1) This section applies to a HIF provider that receives funding to provide a social housing service.
- (2) The chief executive may, by notice, require the HIF provider to give the chief executive stated information about each funded property for the service.
- (3) The HIF provider must comply with the request within the period stated in the notice.
- (4) If the information given to the chief executive changes, the HIF provider must give details of the change to the chief executive as soon as practicable.

## **19P Information about housing services**

- (1) This section applies to a HIF provider that receives funding to provide a housing service.

- (2) The chief executive may, by notice, require the HIF provider to give the following information to the chief executive—
  - (a) information, including financial information, about the housing service;
  - (b) information about the use of a funded property for the service;
  - (c) non-identifying information about a client of the funded provider;
  - (d) any other information about the funding the HIF provider receives that the chief executive considers appropriate.
- (3) The HIF provider must comply with the request within the period stated in the notice.
- (4) In this section—

*client*—

  - (a) means a person who—
    - (i) is receiving a housing service from the funded provider; or
    - (ii) has applied to the funded provider for a housing service; and
  - (b) includes a tenant.

## **Part 3**                      **Contracts register**

### **20**            **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.

## **21 Recording particulars in contracts register**

- (1) This section applies if a section contract is lodged with the chief executive.
- (2) The chief executive must record the following particulars in the contracts register—
  - (a) particulars about the section contract, including the name of the purchaser;
  - (b) particulars about a registrable or other document relating to the section contract, including when the chief executive recorded the document in the register;
  - (c) any other particulars about the section contract that the chief executive considers should be recorded to ensure the register is an accurate, comprehensive and useable record of the contract, including for example—
    - (i) when the section contract ends; and
    - (ii) the reason for the section contract ending.

*Examples for paragraph (ii)—*

- 1 The amount payable under the section contract has been fully paid.
- 2 The purchaser breached the terms of the section contract.

## **22 Keeping other information**

The chief executive may keep, separately from the contracts register, any information that the chief executive considers necessary or desirable for the effective or efficient operation of the register.

## **23 Documents forming part of contracts register**

A document—

- (a) forms part of the contracts register when the document is lodged; and



- 
- (b) is registered when the particulars about the document are recorded in the contracts register.

## **24 Searching contracts register**

- (1) After paying the fee stated in schedule 1, a person may—
- (a) search and get a copy of—
    - (i) particulars about a section contract that are recorded in the contracts register; or
    - (ii) a document that was lodged but not registered (whether or not the document has been cancelled); or
    - (iii) a registered document; or
    - (iv) information kept under section 22; and
  - (b) have a copy of a thing mentioned in paragraph (a) certified by the chief executive to be an accurate copy.
- (2) However, a person may not search or get a copy of a document that the chief executive has disposed of under the *Public Records Act 2002*.
- (3) The chief executive may certify a copy of a document mentioned in subsection (1)(a).
- (4) A copy of a document that purports to have been certified by the chief executive is, in a proceeding, evidence of the document.

## **25 Correcting contracts register**

- (1) The chief executive may correct the contracts register if satisfied—
- (a) the register is incorrect; and
  - (b) the correction will not prejudice a purchaser's rights.
- (2) For that purpose, the chief executive may correct—
- (a) a particular in the register; or

- (b) a document that forms part of the register.
- (3) If the chief executive corrects the contracts register, the chief executive must record in the register—
  - (a) the state of the register before the register was corrected; and
  - (b) the day the register was corrected; and
  - (c) the reason the register was corrected.

## **26 Requisitions**

- (1) This section applies if a person applies to the chief executive to lodge a document.
- (2) The chief executive may, by written notice (a requisition), require the person to—
  - (a) re-execute, complete or correct the document if the chief executive considers the document is wrong, incomplete or defective; or
  - (b) give the chief executive another document or information to support the person's application.
- (3) The requisition may require the other document or information to be verified by a statutory declaration or affidavit.
- (4) The requisition may state when the requisition must be complied with.
- (5) The chief executive may extend the time for complying with the requisition.
- (6) The chief executive may refuse to deal with the document until the person—
  - (a) complies with the requisition; and
  - (b) pays the fee stated in schedule 1.

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## **27 Registering death of joint purchasers**

- (1) A person may ask the chief executive to register the death of a joint purchaser.
- (2) After receiving a written request to register the death of a joint purchaser, the chief executive may register the death.

## **28 Registering personal representatives**

- (1) A person may ask the chief executive to register—
  - (a) the death of a purchaser under a section contract; and
  - (b) the person as the purchaser’s personal representative.
- (2) After receiving a written request to register the person as the purchaser’s personal representative, the chief executive may register the person as the purchaser’s personal representative.
- (3) However, the chief executive may register the person as the purchaser’s personal representative only if—
  - (a) if the person has obtained a grant of representation—the person gives the grant, or an office copy of the grant issued by the Supreme Court, to the chief executive; or
  - (b) if paragraph (a) does not apply and the 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 \$150,000; and
    - (iii) the chief executive believes the person has a right to obtain a grant of representation; or
  - (c) if paragraph (a) does not apply and the purchaser died with a will—the chief executive believes the person has a right to obtain a grant of representation.

- (4) A person registered as a personal representative without a grant of representation has the same interest in a section contract as if the person had 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 (the *grantee*) who obtains a grant of representation is different from the person registered as personal representative, the registered person must—
  - (a) account to the grantee for an interest in a section contract that the person controlled before the grant was made; and
  - (b) take all action necessary to vest the interest in the contract that remains under the person's control in the grantee.
- (7) In a section contract, a reference to a purchaser includes a reference to the purchaser's personal representative, to the extent there is no contrary intention in the section contract.

## **29 Registering persons beneficially entitled**

- (1) A person who is beneficially entitled under a will to a purchaser's interest in a section contract may ask the chief executive to register a transmission of the purchaser's interest to the person.
- (2) After receiving a written request to register the transmission, the chief executive may register the transmission.
- (3) However, the chief executive may register the transmission only if—
  - (a) the purchaser's personal representative gives written approval; and
  - (b) the chief executive is satisfied the person is beneficially entitled to the interest.

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### **30 Registering other dealings**

- (1) The chief executive may register particulars about each of the following dealings if a request to register the dealing is lodged—
  - (a) a change or correction of the name of a purchaser under a section contract;
  - (b) a court order affecting (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;
  - (e) a revocation of a power of attorney;
  - (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) a severance of a joint tenancy between joint purchasers under a section contract.
- (2) The request—
  - (a) must be in writing; and
  - (b) if the request is a registrable document—must be in the form (if any) that the chief executive approves under section 31.

### **31 Form of registrable documents**

- (1) The chief executive may approve the form of a registrable document.
- (2) If the chief executive has approved the form of a registrable document, the chief executive may register a registrable document only if—

- (a) the document is in the approved form; or
- (b) the chief executive considers it appropriate, in the circumstances, to register a document that is not in the approved form.

## **Part 4                      Fees**

### **32        Fees**

- (1) The fees payable under the Act are stated in schedule 1.
- (2) However, the chief executive may, by gazette notice, declare that—
  - (a) the application fee for a kind of loan is an amount that is less than the fee stated in schedule 1; or
  - (b) no fee is payable for an application for a kind of loan.
- (3) The chief executive may make the declaration only if the chief executive believes that, by reducing or waiving the application fee, 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.
- (4) 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.

### **33        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.

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- (2) The purchaser under the section contract must pay the chief executive the chief executive's actual expenses of taking possession.

## Part 5 Miscellaneous

### 34 Prescribed housing service information—Act, s 18(1)

- (1) The prescribed housing service information is information that—
- (a) is given by a person who the State or a funded provider has provided a housing service to under a residential tenancy agreement; and
  - (b) is about—
    - (i) the number of people who live in the housing provided under the housing service at any time during the tenancy period; and
    - (ii) the identity, and income, of each of those people; and
    - (iii) when each of those people becomes an occupant; and
    - (iv) when each of those people stops being an occupant.
- (2) 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 when people live in the housing provided under the housing service, under the

residential tenancy agreement, including any renewal or extension of the agreement.

### **35 Standard interest rate policy—Act, s 92**

- (1) This section prescribes the interest rate policy for section 92(3) of the Act.
- (2) The declared standard fixed interest rate must not be—
  - (a) more than the highest of the bank standard fixed interest rates, for the period, that applies on the chosen day; or
  - (b) less than the lowest of the bank standard fixed interest rates, for the period, that applies on the chosen day.
- (3) The declared standard variable interest rate must not be—
  - (a) more than the highest of the bank standard variable interest rates that applies on the chosen day; or
  - (b) less than the lowest of the bank standard variable interest rates that applies on the chosen day.
- (4) In this section—

*bank standard fixed interest rates*, for a period, means the standard fixed interest rates that the major banks charge for a home loan for the period.

*bank standard variable interest rates* means the standard variable interest rates that the major banks charge for a home loan.

*chosen day* means a 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.

*home loan* means a loan secured by a mortgage over a residential property that the mortgagor lives in.

*major banks* means—

- (a) Australia and New Zealand Banking Group Limited ACN 005 357 522; and



- (b) Commonwealth Bank of Australia ACN 123 123 124;  
and
- (c) National Australia Bank Limited ACN 004 044 937; and
- (d) Westpac Banking Corporation ACN 007 457 141.

**35A Prescribed non-profit organisations—Act, s 94I**

Homes For Homes Limited ACN 143 151 544 is prescribed for section 94I of the Act, definition *non-profit organisation*, paragraph (b).

**36 End of transitional period—Act, s 156, definition *transitional period***

The end of the transitional period is—

- (a) for an accommodation provider that is a relevant entity—30 June 2019; or
- (b) for any other accommodation provider—31 December 2018.

**37 Transferring or disposing of relevant assets—Act, s 159(2)**

- (1) This section prescribes the way an accommodation provider must transfer or otherwise dispose of a relevant asset.
- (2) The accommodation provider must consult with the chief executive about the most appropriate way of transferring or otherwise disposing of the relevant asset, before transferring or otherwise disposing of the asset.
- (3) The accommodation provider may transfer or otherwise dispose of the relevant asset—
  - (a) by transferring, surrendering or assigning the provider's interest in the asset to—
    - (i) the chief executive; or

- (ii) a registered provider, with the chief executive's written consent; or
  - (b) in another way, with the chief executive's written consent.
- (4) Also, if the relevant asset is relevant property that is not a lease, the accommodation provider may dispose of the relevant asset by paying the value of the chief executive's interest in the property to the department.
- (5) The chief executive may impose a condition on a written consent given under this section if the chief executive considers the condition is reasonably necessary to protect the asset.
- (6) The accommodation provider must comply with the condition.
- (7) In this section—  
*lease* means a lease of relevant property by the chief executive, or Queensland Housing Commission, to the accommodation provider for a relevant housing service.

### **38 Exempt providers—Act, sch 4, definition *exempt provider***

- (1) This section prescribes an entity as being 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) An entity, other than an ineligible entity, is prescribed if, on 31 December 2013, the entity was registered under the Act.
- (3) However, an entity stops being an exempt provider on the earliest of the following—
  - (a) if the entity's registration application is approved, and the operation of the approval is not stayed—the day the approval takes effect;

- (b) if the entity's registration application is approved, but the operation of the approval is stayed—the day the stay ends;
  - (c) if the entity's registration application is refused, and the entity does not apply for a review of the refusal—
    - (i) the day the refusal takes effect; or
    - (ii) if the operation of the refusal is stayed—the day the stay ends;
  - (d) if the entity's registration application is refused, but the entity applies for a review of the refusal—
    - (i) the day the notice of the reviewer's decision is given to the entity; or
    - (ii) if the operation of the reviewer's decision is stayed—the day the stay ends;
  - (e) if the entity's registration is cancelled under section 160(1)(a) of the Act—the day the cancellation takes effect;
  - (f) if the entity's registration is cancelled under section 163(1)(a) of the Act—the day the cancellation takes effect;
  - (g) for an entity that is a relevant entity—30 June 2019;
  - (h) for any other entity—31 December 2018.
- (4) In this section—

***entity's registration application*** means an application for registration made by the entity, under this Act or a corresponding law.

***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.

[s 38A]

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*reviewer's decision* means the decision of the entity that, under this Act or a corresponding law, reviews a decision to refuse an entity's registration application.

**38A Additional exempt providers—Act, sch 4, definition exempt provider**

- (1) This section applies in addition to section 38.
- (2) A BTR provider and an HIF provider are each prescribed as being eligible to receive funding to provide—
  - (a) a particular social housing service in this jurisdiction; or
  - (b) any social housing service in this jurisdiction.

## **Part 6 Transitional provisions**

**39 Pt 6, div 5 of repealed regulation continues**

Part 6, division 5 of the *Housing Regulation 2003* continues in effect despite the repeal of that regulation.

**40 References to repealed regulation in funding agreements**

- (1) This section applies to a funding agreement if the funding agreement was in force just before this section commences.
- (2) If the context permits—
  - (a) a reference in the funding agreement to the repealed regulation is taken to be a reference to this regulation; and
  - (b) a reference in the funding agreement to a previous allocation policy is taken to be a reference to the Allocations Policy for Funded Social Housing Providers under section 14; and
  - (c) a reference in the funding agreement to a previous asset management plan is taken to be a reference to an asset management plan under section 12; and

- (d) a reference in the funding agreement to a previous eligibility policy is taken to be a reference to either—
    - (i) the Social Housing Eligibility Criteria under section 14; or
    - (ii) an eligibility policy under section 16; and
  - (e) a reference in the funding agreement to a previous rent policy is taken to be a reference to a rent policy under section 17.
- (3) In this section—

***previous allocation policy*** means an allocation policy under section 27 of the repealed regulation.

***previous asset management plan*** means an asset management plan under section 12 of the repealed regulation.

***previous eligibility policy*** means an eligibility policy under section 26 of the repealed regulation.

***previous rent policy*** means a rent policy under section 34 of the repealed regulation.

***repealed regulation*** means the repealed *Housing Regulation 2003*.

**Schedule 1      Fees**

section 32(1)

**Part 1                      Applications and consents**

	<b>Fee units</b>
1    Fee for an application for a loan (Act, s 101(2)(b))—	
(a) for building residential premises	914.00
(b) for buying existing residential premises	789.25
(c) for carrying out building and related works for existing residential premises	789.25
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 (Act, s 101(2)(b))	337.15

**Part 2                      Contracts register**

	<b>Fee units</b>
3    Fee for lodging a registrable document under part 3 (Act, s 101(2)(b))—	
(a) for the first document relating to a section contract that is lodged	146.45
(b) for each additional document relating to the section contract that is lodged at the same time as the document mentioned in paragraph (a)	33.50
4    Fee for searching each of the following (s 24(1))—	
(a) the contracts register	16.65
(b) a document mentioned in section 24(1)(a)(ii) or (iii)	16.65

	<b>Fee units</b>
(c) information kept under section 22	16.65
5 Fee for a copy of the particulars, a document or the information mentioned in section 24(1)(a) (s 24(1))	16.65
6 Fee for a certified copy of the particulars, a document or the information mentioned in section 24(1)(a) (s 24(1))	33.50
7 Fee for sending a person a copy of the particulars, a document or the information mentioned in section 24(1)(a) by post, email or other electronic means (s 24(1))	13.15
8 Fee for a requisition for a document lodged with the chief executive (s 26(6)(b))	41.95

### **Part 3 Other fees**

	<b>Fee units</b>
9 Administration fee if a payment is required under the Act (including a payment mentioned in an instrument made under the Act) and a financial institution dishonours the payment (Act, s 101(2)(b))	18.90
10 Fee for the chief executive paying an insurance premium on behalf of a borrower or purchaser under a section contract or a mortgage (Act, s 101(2)(b))	46.20
11 Fee payable by a person for requesting the chief executive to produce a document to another person (Act, s 101(2)(b))	97.45

## Schedule 2 Dictionary

### section 3

***BTR provider*** see section 19A.

***Build to Rent pilot project*** see section 19B.

***contracts register*** means the register of section contracts that the chief executive keeps under section 20(1).

***funded property***, of a funded provider providing a housing service, means—

- (a) land that the chief executive, or another funded provider, transfers to the funded provider; or
- (b) land that the funded provider acquires, wholly or partly, using funding or receipts for the housing service; or
- (c) land held by the funded provider on which housing has been constructed, or other improvements have been made, wholly or partly by—
  - (i) the chief executive; or
  - (ii) using funding or receipts for the housing service; or
- (d) property that the chief executive leases to the funded provider for the provision of the housing service; or
- (e) property that the funded provider leases using, wholly or partly, funding or receipts for the housing service; or
- (f) improvements to land, other than land owned by the department, made using funding or receipts for the housing service; or
- (g) receipts for the housing service; or
- (h) an amount mentioned in—
  - (i) section 8(1); or
  - (ii) section 9(1).



**HIF provider** see section 19A.

**Housing Investment Fund program** see section 19C.

**implement**, a document, means implement and comply with the contents of the document.

**indigenous local government** see the *Local Government Act 2009*, schedule 4.

**joint purchaser** means a person who purchases a property as a joint tenant under a section contract.

**keep**, a document, means—

- (a) prepare the document; and
- (b) keep the document up-to-date.

**power of attorney** means—

- (a) a general power of attorney made under the *Powers of Attorney Act 1998*; or
- (b) an enduring power of attorney; or
- (c) a power of attorney made otherwise than under the *Powers of Attorney Act 1998*, whether before or after its commencement; or
- (d) a similar document under the law of another jurisdiction.

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

**receipts**, for a housing service that a funded provider provides, means—

- (a) funding paid to the funded provider by the chief executive; or
- (b) an amount, other than funding, that the funded provider receives for providing the service (like rent and fees); or
- (c) the proceeds of sale of a funded property; or
- (d) interest on an amount mentioned in paragraphs (a) to (c).

**registered document** means a registrable document or other document, particulars of which have been recorded in the contracts register under section 20.

**registrable document** means a request to register—

- (a) a change or correction of the name of a purchaser under a section contract; or
- (b) a court order affecting, whether directly or indirectly, a purchaser's interest in a section contract; or
- (c) a court order setting aside a court order mentioned in paragraph (b); or
- (d) a power of attorney; or
- (e) a revocation of a power of attorney; or
- (f) the death of a joint purchaser; or
- (g) the death of a purchaser under a section contract; or
- (h) a person as the purchaser's personal representative; or
- (i) a transmission of a purchaser's interest in a section contract to a person beneficially entitled under a will; or
- (j) a transmission of a purchaser's interest in a section contract under a law about bankruptcy; or
- (k) a disclaimer of an interest in a section contract under a law about bankruptcy; or
- (l) an assignment of a purchaser's interest in a section contract; or
- (m) the severance of a joint tenancy of joint purchasers.

**relevant entity** means—

- (a) ABIS Community Co-Op Society ABN 57 050 218 568; or
- (b) Aboriginal Corporation for Malanbarra Midja Housing & Welfare ABN 56 681 553 317; or
- (c) Camu Community Co Operative Society Ltd ABN 86 464 271 448; or

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- (d) Gladstone Aboriginal & Islander Co-operative Society Ltd ABN 90 298 378 833; or
  - (e) Gungarde Community Centre Aboriginal Corporation ABN 45 180 964 190; or
  - (f) Hinchinbrook Aboriginals & Islanders Housing Co Operative Society Ltd ABN 56 284 560 043; or
  - (g) an indigenous local government; or
  - (h) Kabi Kabi Aboriginal Corporation ABN 76 721 521 447; or
  - (i) Longreach Aboriginal & Torres Strait Islanders Corp for Housing and Business ABN 53 873 216 837; or
  - (j) Maryborough Aboriginal Housing Corporation & Cultural Development ABN 50 649 697 383; or
  - (k) Ngonbi Co-operative Society Ltd ABN 40 047 335 486; or
  - (l) S.P.K. Housing Group Limited ABN 41 060 733 744; or
  - (m) St. George Aboriginal Housing Company Limited ABN 54 010 079 679; or
  - (n) Umpi Korumba Aboriginal & Torres Strait Islanders Corp for Housing ABN 64 042 106 493.

***residential premises*** means—

- (a) a residence; or
- (b) premises where a residential service is provided; or
- (c) other premises that provide residential accommodation.

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

***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.