

Queensland



# **STATE HOUSING AMENDMENT BILL 1998**





# STATE HOUSING AMENDMENT BILL 1998

## TABLE OF PROVISIONS

| Section                                                                                                                          | Page |
|----------------------------------------------------------------------------------------------------------------------------------|------|
| 1 Short title . . . . .                                                                                                          | 4    |
| 2 Commencement . . . . .                                                                                                         | 4    |
| 3 Act amended . . . . .                                                                                                          | 4    |
| 4 Replacement of s 10B (District offices of the commission) . . . . .                                                            | 4    |
| 10B District offices and agents of the commission . . . . .                                                                      | 4    |
| 5 Replacement of s 15 (Administrative provisions—schedule) . . . . .                                                             | 4    |
| 15 Application of administrative provisions of sch to commission . . . .                                                         | 4    |
| 6 Amendment of s 22B (Provision of land for industry, trade or business) . .                                                     | 5    |
| 7 Amendment of s 22E (Audit of accounts) . . . . .                                                                               | 5    |
| 8 Amendment of s 23 (Power of commission to make advances to<br>eligible persons for erection of dwelling houses etc.) . . . . . | 6    |
| 9 Amendment of s 24 (Power of commission to sell houses to<br>eligible persons) . . . . .                                        | 6    |
| 10 Amendment of s 24C (Rental provisions regarding perpetual leases) . . . .                                                     | 7    |
| 11 Amendment of s 26 (Letting or leasing of houses to eligible persons) . . . .                                                  | 7    |
| 12 Insertion of new pt 6B . . . . .                                                                                              | 7    |
| PART 6B—APPLICATION OF RESIDENTIAL TENANCIES<br>ACT 1994                                                                         |      |
| 29F Definition . . . . .                                                                                                         | 7    |
| 29G Application of pt 6B . . . . .                                                                                               | 8    |
| 29H Application of Residential Tenancies Act 1994 . . . . .                                                                      | 8    |
| 13 Amendment of s 33 (Rate of interest payable by borrowers and<br>purchasers of homes) . . . . .                                | 8    |
| 14 Omission of s 46 (Orders in council) . . . . .                                                                                | 8    |

*State Housing Amendment*

---

|    |                                           |    |
|----|-------------------------------------------|----|
| 15 | Insertion of new s 47A . . . . .          | 8  |
|    | 47A Approval of forms . . . . .           | 8  |
| 16 | Amendment of s 48 (Regulations) . . . . . | 9  |
| 17 | Amendment of sch . . . . .                | 10 |

**1998**

---

**A BILL**

**FOR**

***An Act to amend the State Housing Act 1945***

---

**The Parliament of Queensland enacts—**

1

**Short title**

2

Clause 1. This Act may be cited as the *State Housing Amendment Act 1998*.

3

**Commencement**

4

Clause 2. This Act commences on a day to be fixed by proclamation.

5

**Act amended**

6

Clause 3. This Act amends the *State Housing Act 1945*.

7

**Replacement of s 10B (District offices of the commission)**

8

Clause 4. Section 10B—

9

*omit, insert—*

10

**‘District offices and agents of the commission**

11

‘10B. A regulation may—

12

(a) establish a district office of the commission; or

13

(b) appoint an agent of the commission.’

14

**Replacement of s 15 (Administrative provisions—schedule)**

15

Clause 5. Section 15—

16

*omit, insert—*

17

**‘Application of administrative provisions of sch to commission**

18

‘15. The provisions of the schedule apply to the commission in the exercise of its powers under this Act.’

19

20

|        |                                                                                                        |    |
|--------|--------------------------------------------------------------------------------------------------------|----|
|        | <b>Amendment of s 22B (Provision of land for industry, trade or business)</b>                          | 1  |
|        |                                                                                                        | 2  |
| Clause | <b>6.(1)</b> Section 22B(5), ‘by order in council’—                                                    | 3  |
|        | <i>omit, insert—</i>                                                                                   | 4  |
|        | ‘under a regulation’.                                                                                  | 5  |
|        | <b>(2)</b> Section 22B(6)—                                                                             | 6  |
|        | <i>omit.</i>                                                                                           | 7  |
|        | <b>Amendment of s 22E (Audit of accounts)</b>                                                          | 8  |
| Clause | <b>7.(1)</b> Section 22E(1)—                                                                           | 9  |
|        | <i>omit, insert—</i>                                                                                   | 10 |
|        | ‘ <b>(1)</b> The auditor-general must audit the accounts of a person associated with the commission.’. | 11 |
|        |                                                                                                        | 12 |
|        | <b>(2)</b> Section 22E(2), ‘Where pursuant’ to ‘body of persons’—                                      | 13 |
|        | <i>omit, insert—</i>                                                                                   | 14 |
|        | ‘If under subsection (1) the auditor-general must audit the accounts of a person’.                     | 15 |
|        |                                                                                                        | 16 |
|        | <b>(3)</b> Section 22E(3), ‘of a body of persons’—                                                     | 17 |
|        | <i>omit, insert—</i>                                                                                   | 18 |
|        | ‘of a person’.                                                                                         | 19 |
|        | <b>(4)</b> Section 22E(4), (5) and (6)—                                                                | 20 |
|        | <i>omit.</i>                                                                                           | 21 |
|        | <b>(5)</b> Section 22E(7)(c)—                                                                          | 22 |
|        | <i>omit.</i>                                                                                           | 23 |
|        | <b>(6)</b> Section 22E(7)—                                                                             | 24 |
|        | <i>renumber</i> as section 22E(4).                                                                     | 25 |
|        | <b>(7)</b> Section 22E—                                                                                | 26 |
|        | <i>insert—</i>                                                                                         | 27 |

‘(5) In this section—

“**person associated with the commission**” means a person with whom the commission enters into, or participates in, a joint venture under section 22D and—

(a) with whom the commission is taken to be associated under subsection (4); or

(b) to whom this section is, under a regulation, stated to apply.’.

**Amendment of s 23 (Power to commission to make advances to eligible persons for erection of dwelling houses etc.)**

Clause 8. Section 23(4)—

*omit, insert—*

‘(4) A regulation may fix the maximum amount that may be advanced under this part.’.

**Amendment of s 24 (Power to commission to sell houses to eligible persons)**

Clause 9.(1) Section 24(3)—

*omit, insert—*

‘(3) A sale under this section must be on terms acceptable to the commission.’.

(2) Section 24(3E)—

*omit, insert—*

‘(3E) The purchaser must pay interest on the balance of the purchasing price at a rate determined by the Governor in Council.

‘(3EA) The purchaser must make monthly payments to the commission of—

(a) the balance of the purchasing price payable; and

(b) interest payable under subsection (3E).

‘(3EB) The amount of a monthly payment under subsection (3EA)(a) and (b) is the amount decided by the commission.’.

|        |                                                                                                                                    |    |
|--------|------------------------------------------------------------------------------------------------------------------------------------|----|
|        | <b>Amendment of s 24C (Rental provisions regarding perpetual leases)</b>                                                           | 1  |
| Clause | <b>10.(1)</b> Section 24C(5A), ‘by order in council’—                                                                              | 2  |
|        | <i>omit, insert—</i>                                                                                                               | 3  |
|        | ‘under a regulation’.                                                                                                              | 4  |
|        | <b>(2)</b> Section 24C(5B)—                                                                                                        | 5  |
|        | <i>omit.</i>                                                                                                                       | 6  |
|        | <b>Amendment of s 26 (Letting or leasing of houses to eligible persons)</b>                                                        | 7  |
| Clause | <b>11.(1)</b> Section 26(1)—                                                                                                       | 8  |
|        | <i>omit, insert—</i>                                                                                                               | 9  |
|        | ‘ <b>(1)</b> The commission may let or lease a house to a person who is an eligible person on terms acceptable to the commission.’ | 10 |
|        | <b>(2)</b> Section 26(1A), from ‘However,’ to ‘satisfied that—’—                                                                   | 11 |
|        | <i>omit, insert—</i>                                                                                                               | 12 |
|        | ‘A person is an eligible person if—’.                                                                                              | 13 |
|        | <b>Insertion of new pt 6B</b>                                                                                                      | 14 |
| Clause | <b>12.</b> After part 6A, section 29E—                                                                                             | 15 |
|        | <i>insert—</i>                                                                                                                     | 16 |
|        | <b>‘PART 6B—APPLICATION OF RESIDENTIAL TENANCIES ACT 1994</b>                                                                      | 17 |
|        | <b>‘Definition</b>                                                                                                                 | 18 |
|        | <b>‘29F.</b> In this part—                                                                                                         | 19 |
|        | <b>“residential tenancy agreement”</b> means an agreement to which the                                                             | 20 |
|        | <i>Residential Tenancies Act 1994</i> applies.                                                                                     | 21 |
|        |                                                                                                                                    | 22 |
|        |                                                                                                                                    | 23 |

**‘Application of pt 6B**

1

‘29G. This part applies to an agreement entered into under this Act between the commission and another person that is a residential tenancy agreement.

2

3

4

**‘Application of Residential Tenancies Act 1994**

5

‘29H.(1) For applying this Act to a residential tenancy agreement—

6

(a) a provision of this Act that is inconsistent with the *Residential Tenancies Act 1994* does not apply to the agreement to the extent of the inconsistency; and

7

8

9

(b) the commission may exercise a power under this Act only to the extent the exercise of the power is consistent with the *Residential Tenancies Act 1994*.

10

11

12

‘(2) Without limiting subsection (1), sections 43 and 43A of this Act do not apply to a residential tenancy agreement.’.

13

14

**Amendment of s 33 (Rate of interest payable by borrowers and purchasers of homes)**

15

16

Clause 13. Section 33(2C), from ‘by—’—  
omit.

17

18

**Omission of s 46 (Orders in council)**

19

Clause 14. Section 46—  
omit.

20

21

**Insertion of new s 47A**

22

Clause 15. After section 47—  
insert—

23

24

**‘Approval of forms**

25

‘47A. The commission may approve forms for use under this Act.’.

26

|        |                                                                                                     |    |
|--------|-----------------------------------------------------------------------------------------------------|----|
|        | <b>Amendment of s 48 (Regulations)</b>                                                              | 1  |
| Clause | <b>16.(1)</b> Section 48, heading—                                                                  | 2  |
|        | <i>omit, insert—</i>                                                                                | 3  |
|        | <b>‘Regulation-making power’.</b>                                                                   | 4  |
|        | <b>(2)</b> Section 48(1)—                                                                           | 5  |
|        | <i>omit, insert—</i>                                                                                | 6  |
|        | <b>‘(1)</b> The Governor in Council may make regulations under this Act.’.                          | 7  |
|        | <b>(3)</b> Section 48(2), ‘Without’ to ‘purposes—’—                                                 | 8  |
|        | <i>omit, insert—</i>                                                                                | 9  |
|        | <b>‘Without</b> limiting subsection (1), regulations may be made about—’.                           | 10 |
|        | <b>(4)</b> Section 48(2)—                                                                           | 11 |
|        | <i>insert—</i>                                                                                      | 12 |
|        | <b>‘(1a)</b> keeping a register of contracts under the Act, including providing for—                | 13 |
|        |                                                                                                     | 14 |
|        | (i) the type of information to be kept in, and type of documents forming part of, the register; and | 15 |
|        |                                                                                                     | 16 |
|        | (ii) the form of the register and the documents forming part of the register; and                   | 17 |
|        |                                                                                                     | 18 |
|        | (iii) requirements for registration, registration and the effect of registration; and               | 19 |
|        |                                                                                                     | 20 |
|        | (iv) an entitlement to search, and obtain copies of documents forming part of, the register; and    | 21 |
|        |                                                                                                     | 22 |
|        | (v) a fee to be paid to the commission, including a fee for—                                        | 23 |
|        | (A) searching the register; and                                                                     | 24 |
|        | (B) obtaining copies of documents forming part of the register; and                                 | 25 |
|        |                                                                                                     | 26 |
|        | (C) registration of information or documents in the register; and                                   | 27 |
|        |                                                                                                     | 28 |
|        | (1b) providing for a fee to be paid for—                                                            | 29 |

*State Housing Amendment*

---

- (i) an application made, or a consent sought, under the Act; and 1
- (ii) a consent sought under a mortgage or contract under the Act; 2  
and 3
- (iii) producing a document to another person; and 4
- (iv) a statement of account; and 5
- (v) a dishonoured payment required under the Act or an 6  
instrument made under the Act; and 7
- (lc) providing for a fee or another amount to be paid by a person 8  
under a mortgage or contract under the Act; and 9
- (ld) providing for a fee payable for, and the effect of, the commission 10  
certifying a copy of a document; and'. 11
- (5) Section 48(3) and (4)— 12  
*omit.* 13

**Amendment of sch**

- Clause **17.(1)** Schedule, section 12(1)(c)— 15  
*omit, insert—* 16
- ‘(c) interest is payable on the day the commission decides;’. 17
- (2)** Schedule, section 12(1)(e), from ‘by payment on’— 18  
*omit, insert—* 19
- ‘by monthly payments— 20
- (i) due on a day decided by the commission; and 21
  - (ii) of an amount decided by the commission;’. 22
- (3)** Schedule, section 12(1)(f), from ‘by payment on’— 23  
*omit, insert—* 24
- ‘by monthly payments— 25
- (i) due on a day decided by the commission; and 26
  - (ii) of an amount decided by the commission.’. 27
- (4)** Schedule, section 13A(2)— 28

*State Housing Amendment*

---

*omit, insert—*

**‘(2)** A second mortgage under subsection (1)(c) must be on terms acceptable to the commission.’.

**(5)** Schedule, section 15(2A)—

*omit, insert—*

**‘(2A)** However, before the commission sells land by private sale under this section, the land must first be offered for sale by public auction.

**‘(2B)** Before selling land by public auction under this section, the commission must publish a notice in a daily newspaper circulating generally in the locality where the land is situated.

**‘(2C)** A notice under subsection (2B) must—

- (a) identify the land; and
- (b) state the land is to be sold by public auction; and
- (c) state the time and place of the auction.’.