

Queensland



STATE HOUSING AMENDMENT ACT 1998

Act No. 16 of 1998

Queensland



STATE HOUSING AMENDMENT ACT 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 eligible persons for erection of dwelling houses etc.)	6
9	Amendment of s 24 (Power of commission to sell houses to 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 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 purchasers of homes)	8
14	Omission of s 46 (Orders in council)	8

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

Queensland



State Housing Amendment Act 1998

Act No. 16 of 1998

An Act to amend the State Housing Act 1945

[Assented to 26 March 1998]

The Parliament of Queensland enacts—**Short title**

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

Commencement

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

Act amended

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

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

4. Section 10B—

omit, insert—

‘District offices and agents of the commission

‘10B. A regulation may—

- (a) establish a district office of the commission; or
- (b) appoint an agent of the commission.’

Replacement of s 15 (Administrative provisions—schedule)

5. Section 15—

omit, insert—

‘Application of administrative provisions of sch to commission

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

Amendment of s 22B (Provision of land for industry, trade or business)

6.(1) Section 22B(5), ‘by order in council’—

omit, insert—

‘under a regulation’.

(2) Section 22B(6)—

omit.

Amendment of s 22E (Audit of accounts)

7.(1) Section 22E(1)—

omit, insert—

‘**(1)** The auditor-general must audit the accounts of a person associated with the commission.’.

(2) Section 22E(2), ‘Where pursuant’ to ‘body of persons’—

omit, insert—

‘If under subsection (1) the auditor-general must audit the accounts of a person’.

(3) Section 22E(3), ‘of a body of persons’—

omit, insert—

‘of a person’.

(4) Section 22E(4), (5) and (6)—

omit.

(5) Section 22E(7)(c)—

omit.

(6) Section 22E(7)—

renumber as section 22E(4).

(7) Section 22E—

insert—

‘(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.)

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)

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.’.

Amendment of s 24C (Rental provisions regarding perpetual leases)

10.(1) Section 24C(5A), ‘by order in council’—

omit, insert—

‘under a regulation’.

(2) Section 24C(5B)—

omit.

Amendment of s 26 (Letting or leasing of houses to eligible persons)

11.(1) Section 26(1)—

omit, insert—

‘(1) The commission may let or lease a house to a person who is an eligible person on terms acceptable to the commission.’.

(2) Section 26(1A), from ‘However,’ to ‘satisfied that—’—

omit, insert—

‘A person is an eligible person if—’.

Insertion of new pt 6B

12. After part 6A, section 29E—

insert—

**‘PART 6B—APPLICATION OF RESIDENTIAL
TENANCIES ACT 1994**

‘Definition

‘29F. In this part—

“residential tenancy agreement” means an agreement to which the *Residential Tenancies Act 1994* applies.

‘Application of pt 6B

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

‘Application of Residential Tenancies Act 1994

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

- (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
- (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*.

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

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

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

Omission of s 46 (Orders in council)

14. Section 46—
omit.

Insertion of new s 47A

15. After section 47—
insert—

‘Approval of forms

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

Amendment of s 48 (Regulations)

16.(1) Section 48, heading—

omit, insert—

‘Regulation-making power’.

(2) Section 48(1)—

omit, insert—

‘(1) The Governor in Council may make regulations under this Act.’.

(3) Section 48(2), ‘Without’ to ‘purposes—’—

omit, insert—

‘Without limiting subsection (1), regulations may be made about—’.

(4) Section 48(2)—

insert—

‘(1a) keeping a register of contracts under the Act, including providing for—

- (i) the type of information to be kept in, and type of documents forming part of, the register; and
- (ii) the form of the register and the documents forming part of the register; and
- (iii) requirements for registration, registration and the effect of registration; and
- (iv) an entitlement to search, and obtain copies of documents forming part of, the register; and
- (v) a fee to be paid to the commission, including a fee for—
 - (A) searching the register; and
 - (B) obtaining copies of documents forming part of the register; and
 - (C) registration of information or documents in the register; and

(1b) providing for a fee to be paid for—

- (i) an application made, or a consent sought, under the Act; and
 - (ii) a consent sought under a mortgage or contract under the Act; and
 - (iii) producing a document to another person; and
 - (iv) a statement of account; and
 - (v) a dishonoured payment required under the Act or an instrument made under the Act; and
- (lc) providing for a fee or another amount to be paid by a person under a mortgage or contract under the Act; and
- (ld) providing for a fee payable for, and the effect of, the commission certifying a copy of a document; and’.

(5) Section 48(3) and (4)—

omit.

Amendment of sch

17.(1) Schedule, section 12(1)(c)—

omit, insert—

‘(c) interest is payable on the day the commission decides;’.

(2) Schedule, section 12(1)(e), from ‘by payment on’—

omit, insert—

by ‘monthly payments—

- (i) due on a day decided by the commission; and
- (ii) of an amount decided by the commission;’.

(3) Schedule, section 12(1)(f), from ‘by payment on’—

omit, insert—

‘by monthly payments—

- (i) due on a day decided by the commission; and
- (ii) of an amount decided by the commission.’.

(4) Schedule, section 13A(2)—

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.’.