

Queensland



STATE HOUSING AND OTHER ACTS AMENDMENT ACT 2002

Act No. 20 of 2002

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**State Housing and Other Acts Amendment Act
2002**

Act No. 20 of 2002

An Act to amend the *State Housing Act 1945*, the *Local Government Act 1993* and the *City of Brisbane Act 1924*

[Assented to 17 May 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *State Housing and Other Acts Amendment Act 2002*.

2 Commencement

(1) The following provisions of this Act commence on 1 July 2002—

- section 4
- section 9, so far as it inserts new section 50
- part 3
- part 4.

(2) Sections 6 to 8 commence on assent or on the day the *Residential Services (Accreditation) Act 2002*, part 2, commences, whichever is later.

(3) The remaining provisions of this Act commence on assent.

PART 2—AMENDMENT OF STATE HOUSING ACT 1945

3 Act amended in pt 2 and schedule

This part and the schedule amend the *State Housing Act 1945*.

4 Amendment of s 19 (Exemption from rating)

Section 19—

insert—

‘(2) Subsection (1) does not apply to—

- (a) land that is the subject of a section 24 contract; or
- (b) land in which a person has a share that the person bought under a section 24 contract.¹

‘(3) In this section—

“**section 24 contract**” means a contract of sale entered into under section 24 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.’.

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

(1) Section 22B(2B), all words before paragraph (a)—

omit, insert—

‘(2B) The Land Act applies, with all necessary changes, to a lease under subsection (2), except that—’.

(2) Section 22B—

insert—

‘(2C) For subsection (2B), the Land Act applies to a lease under subsection (2) as if a reference in that Act to the Minister were a reference to the Minister administering this Act.’.

6 Insertion of new pt 6D

After part 6C—

insert—

¹ See section 50 (Transitional provision for *State Housing and Other Acts Amendment Act 2002*)

‘PART 6D—ADVANCES TO ENABLE CONDUCT OF RESIDENTIAL SERVICES

‘29S Definitions for pt 6D

In this part—

“accreditation Act” means the *Residential Services (Accreditation) Act 2002*.

“residential service” see the accreditation Act, section 4.

‘29T Loan to meet building costs

‘(1) The commission may make a loan to a person under this part to help the person meet the costs of building work carried out, or proposed to be carried out, on premises if the commission is satisfied—

- (a) a residential service was being conducted in the premises immediately before the commencement of the accreditation Act, part 2;² and
- (b) the purpose of the building work was or is to enable a residential service to be conducted in the premises under the accreditation Act.

Examples for paragraph (b)—

1. Building work carried out to meet a requirement for obtaining registration of the residential service under the accreditation Act.
2. Building work carried out to comply with a condition of accreditation of the residential service under the accreditation Act.

‘(2) The loan is to be made on the terms agreed between the commission and the person.

‘(3) Without limiting subsection (2), a term of the loan may provide for the loan to become immediately repayable if the premises do not become, or stop being, registered under the accreditation Act as premises in which a residential service is conducted.

2 Accreditation Act, part 2 (Registration)

‘29U Non-application of schedule

‘The schedule does not apply to a loan under this part.’.

7 Amendment of s 30 (Advances to be secured by mortgage)

Section 30—

insert—

‘(4) This section does not apply to an advance under part 6D.’.

8 Amendment of s 32AB (Interest rates for certain advances and contracts of sale)

Section 32AB—

insert—

‘(6) Subsection (4) does not apply to an advance under part 6D.’.

9 Insertion of new ss 49 and 50

After section 48—

insert—

‘49 Validation

‘(1) This section applies to anything done or purported to have been done under a Land Act by the Minister administering this Act, during the validation period, in relation to a lease under section 22B(2).

‘(2) If the thing would have been validly done if it had been done by the Minister administering the Land Act, the thing is and was as valid as if it had been done by that Minister.

‘(3) In this section—

“**Land Act**” means the *Land Act 1994*, repealed *Land Act 1962* or repealed *Land Act 1910*, or an Act amending any of those Acts.

“**validation period**” means the period starting on the day that section 22B commenced and ending immediately before the day that the *State Housing and Other Acts Amendment Act 2002*, section 5, commences.

‘50 Transitional provision for *State Housing and Other Acts Amendment Act 2002*

‘(1) A reference in section 19 to a section 24 contract includes a section 24 contract entered into before the commencement day.

‘(2) However, to remove doubt, it is declared that existing excluded land does not, because of section 19(2), become rateable land for any time before the commencement day.

‘(3) In this section—

“commencement day” means the day that section 19(2) commences.

“existing excluded land” means—

- (a) land that is the subject of a section 24 contract entered into before the commencement day; or
- (b) land in which, on the commencement day, a person has a share that the person bought under a section 24 contract.

“rateable land” means rateable land under the *Local Government Act 1993* or the *City of Brisbane Act 1924*.’.

PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1993

10 Act amended in pt 3

This part amends the *Local Government Act 1993*.

11 Amendment of s 4 (Meaning of “owner” of land)

Section 4(1)—

insert—

- ‘(ba) a purchaser of land under a housing Act s 24 contract; or
- (bb) a person who has a share in land that the person bought under a housing Act s 24 contract; or’.

12 Amendment of s 9 (Act applies only so far as expressly provided)

Section 9(2), last dot point, ‘and part 5’—

omit, insert—

‘, part 5 and part 7’.

13 Insertion of new s 1057A

After section 1057—

insert—

‘1057A Priority of Queensland Housing Commission preserved

‘(1) This section applies if—

- (a) a local government intends to deal with land under this part; and
- (b) the land is the subject of a housing Act s 24 contract or a person has a share in the land that the person bought under a housing Act s 24 contract.

‘(2) The local government must give to the commission written notice of its intention to deal with the land before dealing with the land.

‘(3) The local government may sell or acquire the land only on the conditions agreed with the commission about paying to the commission an agreed amount on account of—

- (a) the commission’s interest in the land; and
- (b) if the land is the subject of a housing Act s 24 contract—amounts owing to the commission under the contract.

‘(4) In this section—

“**commission**” means the Queensland Housing Commission.’.

14 Insertion of new ch 19, pt 7

After section 1268—

insert—

‘PART 7—TRANSITIONAL PROVISION FOR STATE HOUSING AND OTHER ACTS AMENDMENT ACT 2002

‘1269 Application to Brisbane City Council

‘This part applies to the Brisbane City Council.

‘1270 Sale of land for overdue rates

‘(1) This section applies to rateable land that, on the commencement day—

- (a) is the subject of a housing Act s 24 contract; or
- (b) is land in which a person has a share that the person bought under a housing Act s 24 contract.

‘(2) A reference in section 1039 to an overdue rate does not include an overdue rate that was levied on the land before the commencement day.

‘(3) In this section—

“**commencement day**” means the day that the *State Housing and Other Acts Amendment Act 2002*, part 3, commences.’.

15 Amendment of schedule (Dictionary)

Schedule—

insert—

‘ **“housing Act s 24 contract”** means a contract of sale entered into under the *State Housing Act 1945*, section 24,³ 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.’.

3 *State Housing Act 1945*, section 24 (Power to commission to sell houses to eligible persons)

PART 4—AMENDMENT OF CITY OF BRISBANE ACT 1924

16 Act amended in pt 4

This part amends the *City of Brisbane Act 1924*.

17 Amendment of s 3A (Application of the Local Government Act)

Section 3A(2), last dot point, ‘and part 5’—

omit, insert—

‘, part 5 and part 7’.

SCHEDULE**MINOR AMENDMENTS OF STATE HOUSING ACT 1945**

section 3

- 1 Section 11(6), ‘and every local body within the meaning of the *Local Bodies’ Loans Guarantee Act 1923*’—**

omit.

- 2 Section 11(6), ‘, or local body’—**

omit.

- 3 Section 25B(1)(d), ‘subsection (1A)’—**

*omit, insert—**‘subsection (1AB)’.*