



Housing (Freeholding of Land) Act 1957

Reprinted as in force on 1 January 2004

See endnote 8 for information about retrospectivity

**Reprint No. 1B
2nd revised edition**

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Information about this reprint

This Act is reprinted as at 1 January 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

Housing (Freeholding of Land) Act 1957

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Housing (Freeholding of Land) Act 1957

[as amended by all amendments that commenced on or before 1 January 2004]

An Act to provide for the freeholding of certain land in respect of which the *Housing Act 2003* applies

Part 1 Preliminary

1 Short title

This Act may be cited as the *Housing (Freeholding of Land) Act 1957*.

Part 2 Provision for the freeholding of certain leaseholds held under the Housing Act 2003

3 Interpretation

This part shall be read as one with the *Housing Act 2003*.

Division 1 Homes and home sites

4 Conversion of certain tenures from perpetual leases to leases for term of years with freeholding covenant

A lessee of a perpetual town lease or a perpetual suburban lease acquired and held or deemed to be held under the provisions of the *Housing Act 2003*, section 113 or the repealed *State Housing Act 1945*, section 24A may apply in

writing to the chief executive to have the lessee's lease deemed a lease for a term determined in accordance with the provisions of section 7 and subject to a covenant entitling the lessee to a deed of grant in fee simple (in this division called a *freeholding lease*).

5 Purchasing price

- (1) The purchasing price of the land comprised in a lease deemed, pursuant to this division, to be a freeholding lease shall be the amount of the unimproved value, as at the date of the receipt by the chief executive of the application referred to in section 4, of that land.
- (1A) For the purposes of this section, the unimproved value of land shall be the amount which experienced persons would be willing to pay for the fee simple of the land, assuming that it were unimproved and were offered for sale on such reasonable terms and conditions as a bona fide seller would require.
- (2) At the option of the lessee, the unimproved value of the land comprised in the lease in question shall be determined by—
 - (a) the chief executive; or
 - (b) the chief executive (valuations); or
 - (c) the Land Court.
- (2A) In every case, the lessee shall exercise the lessee's option under subsection (2) by stating in the application referred to in section 4 or in a separate writing given to the chief executive the manner in which the lessee desires the unimproved value of the land comprised in the lease in question to be determined.
- (2B) In every case where the lessee requires the chief executive (valuations) to determine the unimproved value of the land comprised in the lease in question, the chief executive shall request the chief executive (valuations) to determine and the chief executive (valuations) shall determine that value.
- (2C) In every case where the lessee requires the Land Court to determine the unimproved value of the land comprised in the lease in question, the chief executive shall refer, or cause to be

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referred, to that court for hearing and determination the matter of the amount of the unimproved value of that land and thereupon that court shall hear and determine that matter.

- (2D) Where pursuant to subsection (2) the chief executive (valuations) or the Land Court determines the unimproved value of the land comprised in the lease in question, the chief executive may require the lessee to pay the whole or such part of the costs incurred by it thereby as it may determine and if the lessee fails to pay the whole of the amount which pursuant to this subsection the lessee is required to pay, the chief executive may recover from the lessee in any court of competent jurisdiction, by action as for a debt, the unpaid balance of any such amount.
- (4) The chief executive shall give to the lessee notice in writing of the amount of the purchasing price.
- (5) The valuation of the unimproved value of any land determined by the chief executive, the chief executive (valuations) or the Land Court pursuant to this section shall have no force or effect save for the purpose for which that valuation is so determined or made.

5A Notification of rental credit

- (1) In respect of every application pursuant to section 4 made after the commencement of the *State Housing Act and Another Act Amendment Act 1984*, the notice given to an applicant pursuant to section 5(4) shall include advice of the total of amounts paid as rent under the perpetual lease in respect of the period when the applicant was the lessee.
- (2) For the purposes of this section the period when the applicant was the lessee includes any period when—
- (a) the applicant together with another person (who is now deceased) was the lessee; or
 - (b) a person other than the applicant (which person is now deceased) was the lessee;

if, upon the death of that person, that person's interest passed (whether by way of survivorship or succession) to the applicant.

6 Lessee to elect whether to proceed with application

- (1) The lessee shall, within 30 days from the date when the lessee receives from the chief executive notification in writing of the purchasing price, notify the chief executive in writing where the lessee elects to proceed with the application under this division.
- (2) Every application under this division shall lapse at the expiration of 30 days after the date when the chief executive gives to the lessee notice in writing of the amount of the purchasing price unless the lessee has sooner notified the chief executive in writing that the lessee elects to proceed therewith.
- (2A) However, a lessee may, with the prior approval of the chief executive, make a second or any subsequent application under this division notwithstanding that any prior such application made by the lessee has lapsed.
- (3) A notice under this section in respect of any lease shall not affect or prejudice howsoever any mortgage or other encumbrance, estate or interest then subsisting over, upon, or in the land comprised in the lease.
- (4) A lessee who elects to proceed with an application under this division shall be deemed to comply with the requirements of the perpetual lease with respect to the payment of rent, if the lessee pays rent, until and including the day preceding the quarter day when the term of the freeholding lease commences, at the rate thereof actually payable at the date when the chief executive receives the notice referred to in section 4.

7 Term of the freeholding lease

Upon and from the quarter day next following the receipt by the chief executive pursuant to section 6 of notice from a lessee that the lessee elects to proceed with an application under this division the perpetual town lease or perpetual suburban lease, the subject of the application shall be deemed to be a freeholding lease—

(a)—

- (i) where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of that contract exceeds 10 years—for a term equivalent to the unexpired term of the contract commencing on the quarter day next following the date when the chief executive receives the notice; or
 - (ii) where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of the contract does not exceed 10 years—for a term of 10 years commencing on the quarter day next following the date when the chief executive receives the notice; or
 - (iii) in any other case—for a term of 10 years commencing on the quarter day next following the date when the chief executive receives the notice; and
- (b) subject in every respect to the provisions of this part 2; and the chief executive shall cause the lease to be endorsed in terms of this section.

8 Terms and conditions of freeholding lease

- (1) Every lease deemed, pursuant to this division to be a freeholding lease, shall be subject to the following provisions, terms and conditions—
- (a) the purchasing price of the land comprised in the lease shall be the amount of the unimproved value, as determined, as prescribed by section 5, of that land as at the date when the chief executive receives the application referred to in section 4;
 - (b) the term of the lease shall commence on the quarter day next following the date when the chief executive receives from the lessee, pursuant to section 6, notice in writing of the lessee's election to proceed with the application;
 - (c) the lessee shall pay, as prescribed by section 9, the purchasing price of the land;

- (d) the lessee shall pay, as prescribed by section 9, interest on the outstanding balance of the purchasing price;
 - (e) moneys paid as rent under the perpetual lease in respect of the period before the commencement of the term of the freeholding lease when the applicant for the freeholding lease was the lessee under that perpetual lease shall be credited to the purchasing price but moneys paid as rent during any other period shall not be so credited;
 - (ea) however, the amount so credited shall be limited to 50% of the purchasing price;
 - (f) subject to paragraphs (a) to (ea), all such terms and conditions as, pursuant to the *Housing Act 2003* or the repealed *State Housing Act 1945*, applied with respect to the lease in question as a perpetual lease.
- (2) For the purposes of subsection(1)(e), the period when the applicant for the freeholding lease was the lessee includes any period when—
- (a) the applicant together with another person (who is now deceased) was the lessee of the perpetual lease; or
 - (b) a person other than the applicant (which person is now deceased) was the lessee of the perpetual lease;
- if, upon the death of that person, that person's interest passed (whether by way of survivorship or succession) to the applicant.

9 Payment of purchasing price including interest thereon

- (1) In the case of a freeholding lease whereto section 7(a)(i) applies—
- (a) the purchasing price of the land shall be added to and become part of the moneys payable to the chief executive under the contract, and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the chief executive by the lessee at the rate determined by the Governor in Council; and

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- (b) from the commencement of the term of the freeholding lease, the monthly instalment payable under the contract and the *Housing Act 2003* shall be altered from time to time to such sum or sums as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the term of the contract.
- (2) In the case of a freeholding lease whereto section 7(a)(ii) applies, the unexpired period of the term of the contract remaining at the date when the freeholding lease commences shall be extended and shall be 10 years commencing on that date and—
 - (a) the purchasing price of the land shall be added to and become part of the moneys payable to the chief executive under the contract, and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the chief executive by the lessee at the rate determined by the Governor in Council; and
 - (b) from the commencement of the term of the freeholding lease, the monthly instalment payable under the contract and the *Housing Act 2003* shall be altered from time to time to such sum or sums as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the extended term of the contract.
- (3) In the case of a freeholding lease whereto section 7(a)(iii) applies—
 - (a) a deposit of one-twentieth of the amount of the purchasing price which shall accompany and be paid with the notice by the lessee that the lessee elects to proceed with the application under this division; and
 - (b) the balance of the purchasing price, together with interest on the amount thereof outstanding at the beginning of each month of the 10 year term of the lease at the rate determined by the Governor in Council, shall be liquidated by such monthly instalments as shall be

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determined by the chief executive from time to time which instalments are payable respectively on or before the last day of each month of the 10 year term of the lease, commencing on the quarter day next following the date when the deposit is paid.

- (4) Notwithstanding any provision of the *Housing Act 2003*, or any term or condition of the freeholding lease, the lessee may at any time complete payment in full of the purchasing price of the land paying—
 - (a) in a case where the purchasing price of the land has been added to the moneys payable under the contract of sale of a home erected on the land—the unpaid amounts of the moneys payable under the contract and of the purchasing price of the land together with the interest payable in respect of those amounts up to the date of payment thereof; and
 - (b) in any other case—the unpaid amount of the purchasing price of the land together with the interest payable thereon up to the date of the payment thereof.
- (5) Without prejudice to any other remedy had by the chief executive, the chief executive may recover, by action as for a debt in any court of competent jurisdiction, any moneys due and not paid to the chief executive in respect of the purchasing price (including interest thereon) of the land comprised in a freeholding lease.
- (6) Subject to subsection (7), the provisions of the *State Housing Acts and Another Act Amendment Act 1957*, section 9 shall continue to apply to leases deemed pursuant to this division to be freeholding leases prior to the commencement of the *Commonwealth and State Housing Agreement and State Housing Act and Another Act Amendment Act 1978*, part 4 as if those provisions had not been varied by that part 4.
- (7) In respect of every lease deemed, pursuant to subsection (3), to be a freeholding lease prior to the commencement of the *Commonwealth and State Housing Agreement and State Housing Act and Another Act Amendment Act 1978*, part 4 the balance of the purchasing price and the interest thereon shall be liquidated by such monthly instalments as shall be determined from time to time by the chief executive payable

respectively on or before the last day of each month of the balance of the 10 year lease commencing on the first quarter day next following the commencement of that part.

10 Freeholding covenant

- (1) Every lease, deemed pursuant to this division to be a freeholding lease, shall be deemed to contain a covenant that the Governor in Council shall in the name of Her Majesty, grant in fee simple to the lessee the land comprised in the lease—
 - (a) upon payment of all moneys, including interest thereon, payable in respect of the purchase of the land comprised in the freeholding lease and of the home erected thereon; and
 - (b) upon the due performance by the lessee of the terms and conditions of the contract of sale of the home erected on the land; and
 - (c) upon the due performance by the lessee of all other terms and conditions binding upon the lessee of the lease.
- (2) Upon a lessee becoming entitled to performance of the covenant referred to in subsection (1), the chief executive shall surrender to the Crown any estate or interest of the chief executive in the land concerned.
- (3) The Governor in Council shall, in the name of Her Majesty, grant in fee simple any land to a person thereunto entitled under this division.
- (4) The deed of grant is issued subject to all the encumbrances to which the lease was subject and in the same priorities.
- (5) Every grant in fee simple by the Governor in Council pursuant to this Act and every deed of grant issued accordingly is taken to be issued under the *Land Act 1994* the provisions whereof relating to deeds of grant apply thereto.

10A Application of Land Act 1994 to freeholding leases

Subject to the provisions of this Act, the *Land Act 1994* applies to a freeholding lease and for that purpose—

- (a) a reference to the Minister in that Act shall be read and construed as a reference to the Minister charged with the administration of this Act;
- (b) a reference to the Department of Lands or to the department in that Act shall be read and construed as a reference to the department in which this Act is administered.

Division 2 Industrial, trading and business sites

10B Application for conversion of certain leases in perpetuity to leases for term of years with freeholding covenant

- (1) A lessee of a lease in perpetuity of land held by the lessee under the provisions of the *Housing Act 2003*, section 112 may apply to the chief executive to have the lease deemed a lease for a term not exceeding 10 years and subject to a covenant entitling the lessee to a deed of grant in fee simple of the land comprised in the lease.
- (1A) In this division such lease for a term is referred to as a *freeholding lease*.
- (2) The provisions of this division do not apply to any lease in perpetuity of land within the parcels of land specified in the schedule.
- (3) An application shall not be proceeded with until the chief executive has been satisfied that the covenants, if any, under the *Housing Act 2003*, section 112(2B)(d) to which the lease in perpetuity is subject have been reasonably fulfilled.

10C Purchasing price

- (1) The purchasing price of the land comprised in a lease deemed, pursuant to this division, to be a freeholding lease shall be the amount of the unimproved value, as at the date of the receipt by the Minister of the application referred to in section 10B, of that land.

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- (1A) For the purposes of this section, the unimproved value of land shall be the amount which experienced persons would be willing to pay for the fee simple of the land, assuming that it were unimproved and were offered for sale on such reasonable terms and conditions as a bona fide seller would require.
- (2) At the option of the lessee, the unimproved value of the land comprised in the lease in question shall be determined by—
- (a) the chief executive; or
 - (b) the chief executive (valuations); or
 - (c) the Land Court.
- (2A) In every case, the lessee shall exercise the lessee's option under subsection (2) by stating in the application referred to in section 10B or in a separate writing given to the Minister the manner in which the lessee desires the unimproved value of the land comprised in the lease in question to be determined.
- (2B) In every case where the lessee requires the chief executive (valuations) to determine the unimproved value of the land comprised in the lease in question, the chief executive shall request the chief executive (valuations) to determine and the chief executive (valuations) shall determine that value.
- (2C) In every case where the lessee requires the Land Court to determine the unimproved value of the land comprised in the lease in question, the chief executive shall refer, or cause to be referred, to that court for hearing and determination the matter of the amount of the unimproved value of that land and thereupon that court shall hear and determine that matter.
- (2D) Where pursuant to subsection (2) the chief executive (valuations) or the Land Court determines the unimproved value of the land comprised in the lease in question, the chief executive may require the lessee to pay the whole or such part of the costs incurred by it thereby as it may determine and if the lessee fails to pay the whole of the amount which pursuant to this subsection the lessee is required to pay, the chief executive may recover from the lessee in any court of competent jurisdiction, by action as for a debt, the unpaid balance of any such amount.

- (3) No appeal shall lie against a determination pursuant to subsection (2) of the unimproved value of land by the chief executive, the chief executive (valuations) or, as the case may be, the Land Court.
- (4) The valuation of the unimproved value of any land determined by the chief executive, the chief executive (valuations) or the Land Court pursuant to this section shall have no force or effect save for the purpose for which that valuation is so determined or made.

10D Matters to be determined by Minister

- (1) After determination of the purchasing price of land pursuant to section 10C, the Minister shall, upon the recommendation of the chief executive, determine—
 - (a) the term (not exceeding 10 years) of the freeholding lease; and
 - (b) the amount of the deposit that is to accompany the notice of election to proceed with the application; and
 - (c) the terms and conditions (if any) in addition to the terms and conditions specified in section 10G to which the freeholding lease shall be subject.
- (2) The chief executive shall give to the lessee notice in writing of—
 - (a) the amount of the purchasing price; and
 - (b) the term of the freeholding lease; and
 - (c) the amount of the deposit that is to accompany the notice of election to proceed with the application; and
 - (d) the terms and conditions determined by the Minister pursuant to subsection (1)(c).

10E Lessee to elect whether to proceed with application

- (1) The lessee shall, within 30 days from the date when the lessee receives from the chief executive the notice referred to in section 10D(2), notify the chief executive in writing where the lessee elects to proceed with the application under this division.

- (2) An application under this division shall lapse at the expiration of 30 days after the date when the chief executive gives to the lessee the notice referred to in section 10D(2) unless the lessee has sooner notified the chief executive in writing that the lessee elects to proceed therewith.
- (2A) However, a lessee may, with the prior approval of the Minister, make a second or any subsequent application under this division notwithstanding that a prior application made by the lessee has lapsed.
- (3) A notice under this section in respect of a lease shall not affect or prejudice howsoever any mortgage or other encumbrance, estate or interest then subsisting over, upon or in the land comprised in the lease.
- (4) A lessee who elects to proceed with an application under this division shall be deemed to comply with the requirements of the perpetual lease with respect to the payment of rent if the lessee pays rent until and including the day preceding the quarter day when the term of the freeholding lease commences at the rate thereof actually payable at the date when the Minister receives the application referred to in section 10B.

10F Conversion to freeholding lease

Upon and from the quarter day next following the receipt by the chief executive pursuant to section 10E of notice from a lessee that the lessee elects to proceed with an application under this division, the perpetual lease, the subject of the application, shall be deemed to be a freeholding lease—

- (a) for the term of years determined pursuant to section 10D commencing on the quarter day next following the date when the chief executive receives the notice; and
- (b) subject in every respect to the provisions of this division;

and the chief executive shall cause the lease to be appropriately endorsed.

10G Terms and conditions of freeholding lease

A lease deemed pursuant to this division to be a freeholding lease shall be subject to the following provisions, terms and conditions—

- (a) the purchasing price of the land comprised in the lease shall be the amount of the unimproved value, as determined pursuant to section 10C;
- (b) the term of the lease shall commence on the quarter day next following the date when the chief executive receives from the lessee, pursuant to section 10E, notice of the lessee's election to proceed with the application;
- (c) the lessee shall pay, as prescribed by section 10H the purchasing price of the land;
- (d) the lessee shall pay, as prescribed by section 10H interest on the outstanding balance of the purchasing price;
- (e) moneys paid as rent under the perpetual lease in respect of any time before the commencement of the term of the freeholding lease shall not be credited to the purchasing price;
- (f) subject to paragraphs (a) to (e), all such terms and conditions as, pursuant to the *Housing Act 2003* or the repealed *State Housing Act 1945*, applied with respect to the lease in question as a perpetual lease.

10H Payment of purchasing price including interest thereon

- (1) The deposit determined pursuant to section 10D(1)(b) shall accompany and be paid with the notice by the lessee that the lessee elects to proceed with the application under this division.
- (2) The balance of the purchasing price, together with interest on the amount thereof outstanding at the beginning of each month of the term of the lease at the rate determined by the chief executive, shall be liquidated by such monthly instalments as shall be determined by the chief executive from time to time which instalments are payable respectively on or before the last day of each month of the term of the lease

commencing on the quarter day next following the date when the deposit is paid.

- (3) Notwithstanding any term or condition of the freeholding lease, the lessee may at any time complete payment in full of the purchasing price of the land paying the unpaid amount of the purchasing price of the land together with the interest payable thereon up to the date of the payment thereof.
- (4) Without prejudice to any other remedy had by it, the chief executive may recover, by action as for a debt in any court of competent jurisdiction, any moneys due and not paid to it in respect of the purchasing price (including interest thereon) of the land comprised in a freeholding lease.

10I Freeholding covenant

- (1) Every lease, deemed pursuant to this division to be a freeholding lease, shall be deemed to contain a covenant that the Governor in Council shall, in the name of Her Majesty, grant in fee simple to the lessee the land comprised in the lease—
 - (a) upon payment of all moneys, including interest thereon, payable in respect of the purchasing price of the land comprised in the freeholding lease and any other moneys unpaid on any account in respect of the lease; and
 - (b) upon the due performance by the lessee of the terms and conditions binding upon the lessee of the lease.
- (2) Upon a lessee becoming entitled to performance of the covenant referred to in subsection (1), the chief executive shall surrender to the Crown any estate or interest of the chief executive in the land concerned.
- (3) The Governor in Council shall, in the name of Her Majesty, grant in fee simple any land to a person thereunto entitled under this division.
- (5) Every grant in fee simple by the Governor in Council pursuant to this division and every deed of grant issued accordingly shall be deemed to have been granted and issued under the *Land Act 1994* the provisions whereof relating to deeds of grant apply thereto.

10J Application of Land Act 1994 to freeholding leases

Subject to the provisions of this Act, the *Land Act 1994* applies to a freeholding lease and for that purpose—

- (a) a reference to the Minister in that Act shall be read and construed as a reference to the Minister charged with the administration of this Act;
- (b) a reference to the Department of Lands or to the department in that Act shall be read and construed as a reference to the department in which this Act is administered.

Schedule**Lands to which part 2, division 2 does not apply**

section 10B(2)

- (a) The parcel of land situated at Inala Brisbane in the State and bounded by Inala Avenue, Kittyhawk Avenue, Wirraway Parade and Corsair Avenue;
- (b) The parcel of land situated at Acacia Ridge Brisbane in the State and described as lots 1 to 11 on registered plan 105875, portion 875 on survey plan Sl. 6411 and portions 876 and 990 on survey plan Sl. 8482 in the county of Stanley, parish of Yeerongpilly.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2004. Future amendments of the Housing (Freeholding of Land) Act 1957 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 76	14 December 1993	18 March 1996
1A	2000 Act No. 1	1 July 2000	14 July 2000

Reprint No.	Amendments included	Effective	Notes
1B 2rv	2003 Act No. 52 (amd 2005 Act No. 33)	1 January 2004	

5 Tables in earlier reprints

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Changed names and titles	1
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6 List of legislation

Housing (Freeholding of Land) Act 1957 (prev State Housing (Freeholding of Land) Act 1957 6 Eliz 2 No. 40; orig State Housing Acts and Another Act Amendment Act 1957)

date of assent 20 December 1957

commenced 9 January 1958 (proc pubd gaz 11 January 1958 p 119)

amending legislation—

Commonwealth and State Housing Agreement and State Housing Act and Another Act Amendment Act 1978 No. 58 pt 4

date of assent 22 August 1978

commenced on date of assent (see s 2(1))

State Housing Act and Another Act Amendment Act 1979 No. 5 pt 3

date of assent 20 April 1979

commenced on date of assent

State Housing (Amendment of Freeholding Provisions) Act 1980 No. 49

date of assent 22 September 1980

commenced on date of assent

State Housing Act and Another Act Amendment Act 1983 No. 9 pt 3

date of assent 31 March 1983

commenced on date of assent

State Housing Act and Another Act Amendment Act 1984 No. 89 pt 3

date of assent 12 November 1984

commenced on date of assent

Lands Legislation Amendment Act 1992 No. 64 ss 1–3 sch 1

date of assent 7 December 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1993 (1993 SL No. 88)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1

date of assent 14 December 1993

commenced on date of assent

Land Court Act 2000 No. 1 ss 1–2, 86 sch 1

date of assent 8 March 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (2000 SL No. 165)

Housing Act 2003 No. 52 ss 1–2, 153 sch 2 (this Act is amended, see amending legislation below)

date of assent 15 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2004 (2003 SL No. 332)

later retrospective amending legislation—

Housing and Other Acts Amendment Act 2005 No. 33 ss 1–2(1), 11 (amends 2003 No. 52 above)

date of assent 18 August 2005

ss 1–2 commenced on date of assent

remaining provision commenced 31 December 2003 (see s 2(1))

7 List of annotations**Title** amd 1980 No. 49 s 2; R1 (see RA s 40); 2003 No. 52 s 153 sch 2**PART 1—PRELIMINARY****pt hdg** sub 1993 No. 76 s 3 sch 1**Short title****s 1** sub 1993 No. 76 s 3 sch 1

amd 2003 No. 52 s 153 sch 2

Parts of Act**s 2** amd 1980 No. 49 s 3; 1983 No. 9 s 19

om 1993 No. 76 s 3 sch 1

PART 2—PROVISION FOR THE FREEHOLDING OF CERTAIN LEASEHOLDS HELD UNDER THE HOUSING ACT 2003**pt hdg** amd 2003 No. 52 s 153 sch 2**Interpretation****s 3** amd 2003 No. 52 s 153 sch 2**Division 1—Homes and home sites****div hdg** ins 1980 No. 49 s 4**Definitions for div 1****s 3A** ins 2003 No. 52 s 153 sch 2 (om 2005 No. 33 s 11 (retro))**Conversion of certain tenures from perpetual leases to leases for term of years with freeholding covenant****s 4** amd 1979 No. 5 s 19; 1980 No. 49 s 5; 1983 No. 9 s 20

sub 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Purchasing price**s 5** sub 1978 No. 58 s 14; 1980 No. 49 s 6; 1992 No. 64 s 3 sch 1

amd 2000 No. 1 s 86 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Notification of rental credit

s 5A ins 1984 No. 89 s 10
amd 2003 No. 52 s 153 sch 2 (om 2005 No. 33 s 11 (retro))

Lessee to elect whether to proceed with application

s 6 amd 1978 No. 58 s 15; 1980 No. 49 s 7; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Term of the freeholding lease

s 7 amd 1979 No. 5 s 20; 1980 No. 49 s 8; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Terms and conditions of freeholding lease

s 8 amd 1980 No. 49 s 9; 1984 No. 89 s 11; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Payment of purchasing price including interest thereon

s 9 amd 1978 No. 58 s 16; 1979 No. 5 s 21; 1980 No. 49 s 10; 1983 No. 9 s 21; 1993 No. 76 s 3 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Freeholding covenant

s 10 amd 1978 No. 58 s 17; 1979 No. 5 s 22; 1980 No. 49 s 11; 1992 No. 64 s 3 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Application of Land Act 1994 to freeholding leases

prov hdg amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

s 10A ins 1979 No. 5 s 23
amd 1980 No. 49 s 12; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Division 2—Industrial, trading and business sites

div hdg ins 1980 No. 49 s 13

Definitions for div 2

s 10AA ins 2003 No. 52 s 153 sch 2 (om 2005 No. 33 s 11 (retro))

Application for conversion of certain leases in perpetuity to leases for term of years with freeholding covenant

s 10B ins 1980 No. 49 s 13
sub 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Purchasing price

s 10C ins 1980 No. 49 s 13
amd 1992 No. 64 s 3 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Matters to be determined by Minister

s 10D ins 1980 No. 49 s 13
amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Lessee to elect whether to proceed with application

s 10E ins 1980 No. 49 s 13
amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Conversion to freeholding lease

s 10F ins 1980 No. 49 s 13
 amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Terms and conditions of freeholding lease

s 10G ins 1980 No. 49 s 13
 amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Payment of purchasing price including interest thereon

s 10H ins 1980 No. 49 s 13
 amd 1993 No. 76 s 3 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Freeholding covenant

s 10I ins 1980 No. 49 s 13
 amd 1992 No. 64 s 3 sch 1; 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

Application of Land Act 1994 to freeholding leases

prov hdg amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))
10J ins 1980 No. 49 s 13
 amd 2003 No. 52 s 153 sch 2 (amd 2005 No. 33 s 11 (retro))

**PART III—PROVISION FOR THE FREEHOLDING OF CERTAIN
 LEASEHOLDS HELD UNDER “THE WORKERS’ HOMES ACTS, 1919
 TO 1957”**

pt III (ss 11–18) om 1983 No. 9 s 22

PART IV—AMENDMENTS OF “THE STATE HOUSING ACTS, 1945 TO 1955”

pt IV (ss 19–21) om R1 (see RA s 40)

PART V—AMENDMENTS OF “THE WORKERS’ HOMES ACTS, 1919 TO 1953”

pt V (ss 22–30) om R1 (see RA s 40)

SCHEDULE—LANDS TO WHICH PART 2, DIVISION 2 DOES NOT APPLY

ins 1980 No. 49 s 14
 om 2003 No. 52 s 153 sch 2 (om 2005 No. 33 s 11 (retro))

8 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in footnotes to the text.