



*Housing Act 2003*

# **Housing Regulation 2015**

**Current as at 1 July 2016**





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

### 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 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.

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## 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) The annual financial statements must be in the form, and contain the information, that the Act establishing the funded provider requires.
- (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.

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(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.

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(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 relevant goods or services from the funded provider; or
    - (ii) has applied to the funded provider for relevant goods or services; 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.



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- (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.

## **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.

### **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.

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### **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.
- (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*—

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- (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.

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*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.

**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—30 June 2017.

**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;



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- (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—30 June 2017.
- (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.

***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.

## 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                      Fees for applications and consents**

- |   |  |        |
|---|--|--------|
| 1 | Fee for an application for a loan—   |        |
|   | (a) for building residential premises  | 806.05 |
|   | (b) for buying existing residential premises   | 696.05 |
|   | (c) for carrying out building and related works for existing residential premises  | 696.05 |
| 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 | 297.35 |

### **Part 2                      Fees for contracts register**

- |   |   |        |
|---|---|--------|
| 1 | Fee for lodging a registrable document under part 3                                     | 129.20 |
| 2 | Fee under section 26(6) for a requisition on a document lodged with the chief executive | 37.00  |
| 3 | Additional fee for each document lodged by post or in person                            | 29.55  |
| 4 | Fee under section 24(1) for searching—  |        |
|   | (a) the register  | 14.70  |
|   | (b) a document forming part of the register   | 14.70  |
|   | (c) information kept under section 22   | 14.70  |
| 5 | Fee under section 24 for—   |        |

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(a) a copy of the particulars, a document or the information mentioned in section 24(1)(a)	14.70
(b) a certified copy of the particulars, a document or the information mentioned in section 24(1)(a)	29.55
(c) sending the copy of the particulars, a document or the information mentioned in item 5(a) or (b) by facsimile	11.65

### **Part 3                      Other fees**

1	Administration fee if a payment is required under the Act, or an instrument is made under the Act, and a financial institution dishonours the payment	16.70
2	Fee if—	
	(a) the chief executive pays an insurance premium on behalf of a borrower or purchaser under a section contract or a mortgage; and	
	(b) the section contract or mortgage provides for a fee to be payable to the chief executive if paragraph (a) applies	40.75
3	Fee for producing a document to another person	86.00

## Schedule 2 Dictionary

### section 3

***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).

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

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***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
- (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



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- (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) Ngoonbi Co-operative Society Ltd ABN 40 047 335 486; or
  - (l) St. George Aboriginal Housing Company Limited ABN 54 010 079 679; or
  - (m) 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.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnum</b>	= unnumbered
<b>prev</b>	= previous	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 September 2015	none	
1 July 2016	2016 SL No. 98	RA s 35

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

#### **Housing Regulation 2015 SL No. 101**

made by the Governor in Council on 20 August 2015

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 21 August 2015

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2015 (see s 2)

exp 1 September 2025 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

#### **Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2016 SL No. 98 pts 1, 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 24 June 2016

ss 1–2 commenced on date of notification

pt 5 commenced 1 July 2016 (see s 2)

## 5 List of annotations

### **SCHEDULE 1—FEES**

amd 2016 SL No. 98 s 10