

# Housing Legislation Amendment Bill 2021

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Communities and Housing, Minister for  
Digital Economy and Minister for the Arts

## 1 **Clause 22 (Insertion of new ch 5, pt 1, div 3, sdiv 2A)**

Page 34, after line 10—

*insert—*

- (6) To remove any doubt, it is declared that after the vacating tenant's interest in the residential tenancy agreement ends, the agreement continues on the same terms but with the parties to the agreement being the lessor and the remaining tenants.

## 2 **Clause 26 (Insertion of new ch 5, pt 2, div 3, sdiv 2A)**

Page 43, after line 34—

*insert—*

- (6) To remove any doubt, it is declared that after the vacating resident's interest in the rooming accommodation agreement ends, the agreement continues on the same terms but with the parties to the agreement being the provider and the remaining residents.

## 3 **Clause 29 (Amendment of s 415 (Meaning of *urgent application*))**

Page 48, lines 26 to 30 and page 49, line 1—

*omit, insert—*

- (3) Section 415(5)—

*insert—*

- (la) section 308H (Application to tribunal about notice ending tenancy interest);

**4 Clause 29 (Amendment of s 415 (Meaning of *urgent application*))**

Page 49, lines 5 to 11—

*omit, insert—*

(6) Section 415(5)—

*insert—*

(va) section 381H (Application to tribunal about notice ending residency interest);

(vb) section 387A(1)(d) (Death of sole resident);

**5 Clause 53 (Amendment of s 253 (Resident’s obligations generally))**

Page 76, line 26, ‘253(e)’—

*omit, insert—*

253(1)(e)

**6 Clause 54 (Insertion of new ch 4, pt 1A)**

Page 78, line 32, ‘253(i)’—

*omit, insert—*

253(1)(i)

**7 Clause 58 (Insertion of new ss 290B–290G)**

Page 89, lines 3 and 4, ‘the lessor’s immediate family’—

*omit, insert—*

a relative of the lessor

**8 Clause 58 (Insertion of new ss 290B–290G)**

Page 89, lines 10 to 18—

*omit.*

**9 Clause 75 (Insertion of new ch 5, pt 1, div 11)**

Page 104, line 33 and page 105, line 1, ‘member of the lessor’s immediate family’—

*omit, insert—*

the relative of the lessor

**10 After clause 83**

Page 115, after line 27—

*insert—*

**83A Insertion of new ch 5, pt 2, div 7**

Chapter 5, part 2—

*insert—*

**Division 7 Offences**

**396A False or misleading information in notice requiring resident to leave rental premises**

- (1) This section applies in relation to the following notices—
  - (a) a notice to leave if rental premises being sold given under section 371A;
  - (b) a notice to leave for planned demolition or redevelopment given under section 371B;
  - (c) a notice to leave because of significant repair or renovations given under section 371C;
  - (d) a notice to leave for change of use given under section 371D.
- (2) A provider or provider’s agent must not give a resident a notice containing information the provider or agent knows is false or misleading in a material particular.

Maximum penalty—50 penalty units.

- (3) Subsection (2) does not apply if the provider or provider's agent, when giving information in a document—
  - (a) tells the resident, to the best of the provider or agent's ability, how the document is false or misleading; and
  - (b) if the provider or agent has, or can reasonably obtain, the correct information—gives the resident the correct information.

**396B Provider must not let rental premises for 6 months after ending rooming accommodation for premises being sold**

- (1) If a rooming accommodation agreement ends because the provider gives the resident a notice requiring the resident to leave the rental premises under section 371A, the provider must not offer rooming accommodation at the premises for 6 months after the day the agreement ends.

Maximum penalty—50 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is a defence for the provider to prove that—
  - (a) the provider genuinely made the rental premises available for sale but no offers, acceptable to the provider, were received; or

*Example—*

The only offers the provider received were below the provider's expected sale price.

- (b) the provider entered into a contract for the sale of the rental premises but the

contract ended without the premises being sold.

*Example—*

The contract was terminated by the buyer under a term of the contract or a statutory right, including a cooling-off period.

**396C Provider must not let rental premises for 6 months after ending rooming accommodation for change of use**

- (1) If a rooming accommodation agreement ends because the provider gives the resident a notice requiring the resident to leave the rental premises under section 371D, the provider must not offer rooming accommodation at the premises for 6 months after the day the agreement ends.

Maximum penalty—50 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is a defence for the provider to prove that the change of use did not happen for reasons beyond the provider's control.

**11 Clause 84 (Amendment of s 415 (Meaning of *urgent application*))**

Page 116, after line 10—

*insert—*

(3A) Section 415(5)(1)—

*omit.*

**12 Clause 84 (Amendment of s 415 (Meaning of *urgent application*))**

Page 116, after line 13—

*insert—*

(5) Section 415(5)(v)—

*omit.*

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