

Housing Legislation Amendment Bill 2022

Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Leeanne Enoch MP

Title of the Bill

Housing Legislation Amendment Bill 2022

Objectives of the Amendments

The amendments to the Bill relevant to the *Housing Act 2003* and the Homes for Homes charitable donation deed model, will improve clarity and address minor drafting inconsistency by:

- Clarifying the requirement that donation funds raised in Queensland can only be spent to provide, or to assist to provide, social and affordable housing within Queensland.
- Ensuring a registered owner of a property can remove an administrative advice noting the existence of a charitable donation deed from the freehold land register, where they are not also a party to the deed.

Achievement of the Objectives

Strengthening requirements that donations raised in the state can only be used for social and affordable housing projects within Queensland

At Clause 4, section 94I provides a definition of a ‘charitable donation deed’.

The inclusion of the words “in the State” at subsection 94I(b)(ii)(A) of the definition ensures consistency with subsection 94I(b)(ii)(B) and clarifies the requirement that funds raised through donations made in Queensland must be used to provide, or to assist to provide, social and affordable housing within Queensland.

Ensuring a registered owner of the property can remove an administrative advice

At Clause 4, section 94K(1)(b) allows a party to a charitable donation deed to request, using the appropriate form, that the Registrar of Titles remove the record of the existence of a charitable donation deed from the freehold land register.

The insertion of the words “or a registered owner of the lot” will ensure that a registered owner of the lot or a party to the deed, is able to request the removal of an administrative advice noting the existence of a charitable donation deed from a land title.

Alternative Ways of Achieving Policy Objectives

Legislative amendment was determined to be the most appropriate option to provide clarification and address minor drafting issues in the existing provisions.

Estimated Cost for Government Implementation

The amendments do not add to the cost of government implementation and will address minor drafting issues to clarify the original policy intent.

Consistency with Fundamental Legislative Principles

The amendments comply with Fundamental Legislative Principles.

Consultation

The Bill was referred to the Community Support and Services Committee (the Committee) and stakeholders were invited to make written submissions by 17 November 2022. A public hearing on the Bill was held on 29 November 2022 and the Committee published its report to Parliament on 16 December 2022.

Analysis of feedback received through the Committee's consultation process and the committee's recommendations has informed the amendments.

Further consultation on these amendments was not considered necessary.

Consistency with Legislation of Other Jurisdictions

The *Housing Act 2003* is specific to the State of Queensland and the relevant part of the Act is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Clause 4 at page 5, line 13, amends section 94I(b)(ii)(A) to insert the words: “in the State” after the word “service”. This will remove any ambiguity in the interpretation of this provision and clarify the policy intent that funds raised under a charitable donation deed must be used to provide, or to assist to provide, social and affordable housing in Queensland.

Clause 4 at page 7, line 7, amends section 94K(1)(b) to insert the words “, or a registered owner of the lot,” after the word “deed”. This will ensure that a registered owner of a lot can request that the registrar of titles remove an Administrative Advice whether or not they are a party to the donation deed.