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## HOUSING

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HW301\*

Housing Act 1980

### **Housing Amendment Regulations 2011**

Made by the Deputy of the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Housing Amendment Regulations 2011*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Housing Regulations 1980*.

**4. Part 1 heading inserted**

Before regulation 1 insert:

#### **Part 1 — Preliminary matters**

**5. Part 2 heading inserted**

After regulation 4 insert:

#### **Part 2 — Administration of Authority**

6. **Part 3 inserted**

After regulation 5 insert:

**Part 3 — Aboriginal housing**

**6A. Terms used**

In this Part —

**Aboriginal corporate entity** means —

- (a) a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Commonwealth); or
- (b) an incorporated association under the *Associations Incorporation Act 1987* the membership of which is wholly or principally composed of persons of Aboriginal descent as defined in the *Aboriginal Affairs Planning Authority Act 1972* section 4; or
- (c) a corporation under the *Corporations Act 2001* (Commonwealth) the membership of which is wholly or principally composed of persons of Aboriginal descent as defined in the *Aboriginal Affairs Planning Authority Act 1972* section 4;

**Aboriginal land** means freehold land that is owned by an Aboriginal corporate entity over which that entity or another Aboriginal corporate entity has power to grant a lease;

**applied provisions** means the provisions of Part VIIA Division 2 of the Act as applied by regulation 6E(1);

**housing management agreement** means an agreement entered into under regulation 6D(1);

**lease** includes a sublease;

**nominated house**, in relation to a housing management agreement, has the meaning given in section 62D(2) of the applied provisions;

**nominated lot**, in relation to a housing management agreement, has the meaning given in section 62D(1) of the applied provisions;

**residential tenancy agreement** has the meaning given in the *Residential Tenancies Act 1987* section 3;

**State-Commonwealth agreement** has the meaning given in regulation 6B.

**6B. State-Commonwealth agreement**

- (1) The State-Commonwealth agreement consists of —
  - (a) the National Partnership Agreement on Remote Indigenous Housing as entered into between the

Commonwealth and the States and Territories on 27 February 2009 and amended from time to time; and

- (b) the Implementation Plan as agreed between the Commonwealth and the State, and updated from time to time, under clause 21 of the agreement referred to in paragraph (a).
- (2) The State-Commonwealth agreement is a Housing Agreement as defined in section 48 of the Act.

**6C. Purposes of this Part**

The purposes of this Part are —

- (a) to enable the Authority to administer the State-Commonwealth agreement for and on behalf of the State as authorised by section 50 of the Act; and
- (b) to authorise the Authority to do, on behalf of the State, any act, matter or thing required or authorised by any provision of the State-Commonwealth agreement to be done by or on behalf of the State for housing purposes as permitted by section 51 of the Act.

**6D. Authority may enter into housing management agreement**

- (1) The Authority may enter into a housing management agreement in respect of Aboriginal land with an Aboriginal corporate entity.
- (2) The purpose of a housing management agreement is to enable the Authority to control and manage, on behalf of the Aboriginal corporate entity, the letting and leasing of housing on the Aboriginal land.
- (3) This Part does not require the Authority to enter into a housing management agreement with an Aboriginal corporate entity.

**6E. Application of Part VIIA Division 2 of the Act**

- (1) The provisions of Part VIIA Division 2 of the Act, except section 62B, apply in relation to a housing management agreement.
- (2) If a term is given a meaning in regulation 6A, it has the same meaning in the applied provisions.
- (3) A reference in the applied provisions to an Aboriginal entity is read as a reference to an Aboriginal corporate entity.

**6F. Approval of Minister for Indigenous Affairs not required**

(1) In this regulation —

*Minister for Indigenous Affairs* means the Minister to whom the administration of the *Aboriginal Affairs Planning Authority Act 1972* is committed.

(2) To avoid doubt, the prior approval or consent of the Minister for Indigenous Affairs is not required for a person —

(a) to enter into —

- (i) a housing management agreement; or
- (ii) a residential tenancy agreement in respect of a nominated lot or nominated house;

or

(b) to do anything the person is required or permitted to do under an agreement referred to in paragraph (a).

**6G. Application of *Land Administration Act 1997***

This Part does not affect the application of the *Land Administration Act 1997* in relation to Aboriginal land.

**7. Part 4 heading inserted**

Before regulation 6 insert:

**Part 4 — Financial assistance to home owners**

**8. Part 5 heading inserted**

Before regulation 8 insert:

**Part 5 — Fees**

By Command of the Deputy of the Lieutenant-Governor and  
Administrator,

G. MOORE, Clerk of the Executive Council.