



Western Australia

Housing Act 1980

Housing Regulations 1980

As at 05 Jun 2012

Version 01-f0-02

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Housing Regulations 1980

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Defined Terms

Western Australia

Housing Act 1980

Housing Regulations 1980

Part 1 — Preliminary matters

[Heading inserted in Gazette 27 May 2011 p. 1924.]

1. Citation

These regulations may be cited as the *Housing Regulations 1980*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Housing Act 1980* comes into operation¹.

3. Repeal

The *State Housing Act Regulations*², as amended are hereby repealed.

4. Definition

In these regulations *the Act* means the *Housing Act 1980*.

Part 2 — Administration of Authority

[Heading inserted in Gazette 27 May 2011 p. 1924.]

5. Common Seal

- (1) In this regulation ***Common Seal*** means the Common Seal of the Authority.
- (2) The Common Seal shall bear the name of the Authority within 2 concentric circles.
- (3) The Common Seal shall not be affixed to a document except in the presence of the chief executive officer of the Authority or 2 other officers of the Authority who may be appointed for that purpose by the Authority from time to time.
- (4) The Common Seal shall remain in the custody of the person appointed for that purpose by the Authority from time to time.

[Regulation 5 amended in Gazette 30 Jun 2006 p. 2361.]

Part 3 — Aboriginal housing

[Heading inserted in Gazette 27 May 2010 p. 1925.]

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.

[Regulation 6A inserted in Gazette 27 May 2011 p. 1925.]

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.

[Regulation 6B inserted in Gazette 27 May 2011 p. 1925-6.]

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.

[Regulation 6C inserted in Gazette 27 May 2011 p. 1926.]

r. 6D

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.

[Regulation 6D inserted in Gazette 27 May 2011 p. 1926.]

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.

[Regulation 6E inserted in Gazette 27 May 2011 p. 1926.]

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).

[Regulation 6F inserted in Gazette 27 May 2011 p. 1927.]

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.

[Regulation 6G inserted in Gazette 27 May 2011 p. 1927.]

Part 4 — Financial assistance to home owners

[Heading inserted in Gazette 27 May 2011 p. 1927.]

6. Interest on loans made under 1978 agreement

(1) In this regulation —

home purchaser has the same meaning as that expression has in clause 24 of the agreement;

the agreement means the agreement referred to in the *Housing Agreement (Commonwealth and State) Act 1973*³, as amended, as the second supplemental agreement.

(2) The object of this regulation is to enable the Authority, as a lending authority of the State approved by the Minister for the purposes of clause 24 of the agreement, to on-lend moneys to home purchasers at rates of interest consistent with those applicable under clause 25 of the agreement.

(3) Notwithstanding section 33 or 42 of the Act when moneys lent to the Authority pursuant to clause 24 of the agreement are used to grant financial assistance to a home purchaser the contract of sale, mortgage or other instrument relating to the transaction shall —

(a) specify such rate of interest being —

(i) not less than 6% per annum; and

(ii) not greater than a rate equivalent to 1% per annum below the long term bond rate for the year in which the transaction is entered into,

as the Authority considers appropriate having regard to the income of the home purchaser and his family; and

(b) provide that the rate of interest shall —

(i) increase by ½% per annum at the end of the first financial year that occurs wholly after the transaction is entered into and by ½% per annum at the end of each subsequent financial year of the transaction until a rate equivalent to 1% per

annum below the long term bond rate for a financial year is reached; and

- (ii) thereafter be varied for any financial year of the transaction according to any variation in the long term bond rate for that financial year.
- (4) For the purposes of this regulation the long term bond rate for a year shall be the coupon rate on the longest term security of the last Commonwealth public loan issued prior to 1 May that last occurred prior to that year.

[Regulation 6 amended in Gazette 30 Jun 2006 p. 2361.]

[7. Deleted in Gazette 19 Apr 1984 p. 1114.]

Part 5 — Fees

[Heading inserted in Gazette 27 May 2010 p. 1927.]

8. Conveyancing fees

The amounts specified in column 3 of the Table are the fees to be paid to the Authority in respect of the corresponding item specified in column 2 of the Table.

Table

Column 1 Item no.	Column 2 Item	Column 3 Fee \$
	<i>Preparation of documents</i>	
1.	Mortgage	128
2.	Discharge of mortgage	50
3.	Caveat	45
4.	Withdrawal of caveat	45
5.	Deed of co-ownership	153
6.	Any other deed	95
7.	Transfer of land	160
8.	Statutory declaration	38
9.	Settlement statement	126
10.	Any other document	59
	<i>Miscellaneous</i>	
1.	Production of titles and other	24

Column 1 Item no.	Column 2 Item	Column 3 Fee \$
	documents	

[Regulation 8 inserted in Gazette 1 Jun 1993 p. 2682; amended in Gazette 13 Apr 1995 p. 1323-4; 16 Jul 1996 p. 3397; 16 Jan 1998 p. 344; 30 Jun 2006 p. 2361; 12 Jun 2009 p. 2115.]

9. Architectural fees

- (1) In respect of an architectural service set out in the Table at the end of this regulation there shall be payable to the Authority such percentage of the estimated cost of construction of the works designed as is set out in that Table in relation to that service —

Service	% of estimated cost of construction
(a) New design	
(i) Individual Houses	8
(ii) Flats, apartments and town house complexes:	
cost under \$100 000	8
cost \$100 000 to \$200 000	7
cost over \$200 000	6
(b) Repetitive designs	
(i) Individual houses	7
(ii) Flats, apartments and town house complexes:	
cost not over \$200 000	7
cost over \$200 000	6
(c) Additions, renovations and repairs	
(i) Cost under \$200 000	8
(ii) Cost \$200 000 and over	7

r. 10

- (2) The following fees shall be payable to the Authority by the owner of a house under construction where the services of the Authority, other than services related to designing or quality control, are utilized —
1. Examination and inspection of plans — \$40.00
 2. Building inspection — \$20.00 per inspection.

*[Regulation 9 amended in Gazette 19 Apr 1984 p. 1114;
30 Jun 2006 p. 2361.]*

10. Strata management fees

- (1) If the Authority provides management or other services to a strata company in connection with the strata company's powers and duties under the *Strata Titles Act 1985*, the Authority may require the proprietor of a lot in relation to which the strata company was constituted to pay an annual management fee of \$50.00 to the Authority.
- (2) The proprietor of a lot who is required to pay an annual management fee under subregulation (1) shall pay the fee to the Authority.
- (3) In this regulation —

lot, proprietor and *strata company* have the same respective meanings as they have in the *Strata Titles Act 1985*.

*[Regulation 10 inserted in Gazette 16 Jul 1996 p. 3398;
amended in Gazette 30 Jun 2006 p. 2361.]*

Notes

¹ This is a compilation of the *Housing Regulations 1980* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Housing Regulations 1980</i>	24 Dec 1980 p. 4361-3	1 Jan 1981 (see r. 2 and <i>Gazette</i> 24 Dec 1980 p. 4349)
<i>Housing Amendment Regulations 1984</i>	19 Apr 1984 p. 1114	19 Apr 1984
<i>Housing Amendment Regulations 1986</i>	24 Oct 1986 p. 3958	24 Oct 1986
<i>Housing Amendment Regulations 1993</i>	1 Jun 1993 p. 2682	1 Jul 1993 (see r. 2)
<i>Housing Amendment Regulations 1995</i>	13 Apr 1995 p. 1323-4	13 Apr 1995
<i>Housing Amendment Regulations 1996</i>	16 Jul 1996 p. 3397-8	16 Jul 1996
<i>Housing Amendment Regulations 1997</i>	16 Jan 1998 p. 344	16 Jan 1998
Reprint of the <i>Housing Regulations 1980</i> as at 24 August 2001 (includes amendments listed above)		
<i>Housing Amendment Regulations 2006</i>	30 Jun 2006 p. 2360-1	1 Jul 2006 (see r. 2)
<i>Housing Amendment Regulations 2009</i>	12 Jun 2009 p. 2114-15	r. 1 and 2: 12 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Housing Amendment Regulations 2011</i>	27 May 2011 p. 1924-7	r. 1 and 2: 27 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 May 2011 (see r. 2(b))
<i>Housing Amendment Regulations 2012</i> r. 1 and 2	5 Jun 2012 p. 2361-2	5 Jun 2012 (see r. 2(a))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Housing Amendment Regulations 2012</i> r. 3 and 4 ⁴	5 Jun 2012 p. 2361-2	1 Jul 2012 (see r. 2(b))

² Published in *Gazette* 12 August 1949 p. 2042.

³ Repealed by the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998*.

⁴ On the date as at which this compilation was prepared, the *Housing Amendment Regulations 2012* r. 3 and 4 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *Housing Regulations 1980*.

4. Regulation 8 amended

In regulation 8 delete the Table and insert:

Table

Column 1 Item no.	Column 2 Item	Column 3 Fee \$
	<i>Preparation of documents</i>	
1.	Mortgage	136
2.	Discharge of mortgage	53
3.	Caveat	48
4.	Withdrawal of caveat	48
5.	Deed of co-ownership	163
6.	Any other deed	101
7.	Transfer of land	170

Column 1 Item no.	Column 2 Item	Column 3 Fee \$
8.	Statutory declaration	41
9.	Settlement statement	134
10.	Any other document	63
	<i>Miscellaneous</i>	
1.	Production of titles and other documents	26

Defined Terms

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
Aboriginal corporate entity	6A
Aboriginal land	6A
applied provisions	6A
Common Seal.....	5(1)
home purchaser	6(1)
housing management agreement.....	6A
lease	6A
lot.....	10(3)
Minister for Indigenous Affairs	6F(1)
nominated house	6A
nominated lot	6A
proprietor	10(3)
residential tenancy agreement.....	6A
State-Commonwealth agreement	6A
strata company	10(3)
the Act.....	4
the agreement.....	6(1)