

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.