

TASMANIA

**HOMES TASMANIA (CONSEQUENTIAL
AMENDMENTS) BILL 2022**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

**PART 2 – COMMUNITY HOUSING PROVIDERS NATIONAL LAW
(TASMANIA) ACT 2013 AMENDED**

3. Principal Act
4. Section 4 amended (Interpretation)
5. Section 8 substituted
 8. Housing Agencies
6. Section 10 amended (Registrar)

PART 3 – FIRE DAMAGE RELIEF ACT 1967 AMENDED

7. Principal Act
8. Section 9 amended (Erection of dwelling-houses in certain cases)
9. Section 10 amended (Special powers of the Minister in relation to the housing of homeless persons)
10. Section 11 amended (Use of Crown lands)

**PART 4 – FIRST HOME OWNER GRANT REGULATIONS 2021
AMENDED**

11. Principal Regulations

12. Regulation 3 amended (Interpretation)
13. Regulation 5 substituted
 5. Exclusion of Homes Tasmania from application of section 15 of Act

PART 5 – GREATER HOBART ACT 2019 AMENDED

14. Principal Act
15. Section 3 amended (Interpretation)
16. Section 7 amended (Greater Hobart Advisory Group)

PART 6 – HOMEBUILDER GRANTS REGULATIONS 2020 AMENDED

17. Principal Regulations
18. Regulation 3 amended (Interpretation)
19. Regulation 5 substituted
 5. Exclusion of Homes Tasmania from application of section 21 of Act

PART 7 – HOMES (SALE OF MORTGAGES) ACT 1993 AMENDED

20. Principal Act
21. Section 8 amended (Construction of instruments)

PART 8 – HOUSING LAND SUPPLY ACT 2018 AMENDED

22. Principal Act
23. Long title amended
24. Section 3 amended (Interpretation)
25. Section 5 amended (Land that may be declared to be housing supply land)
26. Part 3 substituted
 - PART 3 – Application of Housing Supply Land for Purposes of *Homes Tasmania Act 2022*
 16. Housing supply land vests in Homes Tasmania
 17. Homes Tasmania to ensure housing supply land is developed or used for housing
 18. Former Crown land that is not developed within 10 years may be transferred back to Crown

PART 9 – LAND TITLES REGULATIONS 2012 AMENDED

- 27. Principal Regulations
- 28. Regulation 19 amended (Prescribed circumstances under sections 52(7)(b) and 137(2)(b)(iii))

PART 10 – LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993 AMENDED

- 29. Principal Act
- 30. Section 80 amended (Interpretation of Part 3)

PART 11 – PROPERTY AGENTS AND LAND TRANSACTIONS REGULATIONS 2017 AMENDED

- 31. Principal Regulations
- 32. Regulation 43 amended (Exemption from application of Act)

PART 12 – RESIDENTIAL TENANCY ACT 1997 AMENDED

- 33. Principal Act
- 34. Section 3 amended (Interpretation)
- 35. Section 6 amended (Non-application of Act)
- 36. Section 10 amended (Residential tenancy agreement)
- 37. Section 42 amended (Notice to vacate by owner)
- 38. Section 49 amended (Subletting)

PART 13 – STATE SERVICE ACT 2000 AMENDED

- 39. Principal Act
- 40. Schedule 1 amended (Agencies)

PART 14 – VALUATION OF LAND ACT 2001 AMENDED

- 41. Principal Act
- 42. Section 11 amended (Duty of Valuer-General to make valuations)

PART 15 – LEGISLATION REPEALED

- 43. Legislation repealed

PART 16 – CONCLUDING PROVISION

- 44. Repeal of Act

SCHEDULE 1 – LEGISLATION REPEALED

HOMES TASMANIA (CONSEQUENTIAL AMENDMENTS) BILL 2022

(Brought in by the Minister for State Development, Construction and Housing, the Honourable Guy Barnett)

A BILL FOR

An Act to amend various legislative instruments consequent on the enactment of the *Homes Tasmania Act 2022*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Homes Tasmania (Consequential Amendments) Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 3 Part 2 – Community Housing Providers National Law (Tasmania) Act 2013
Amended

**PART 2 – COMMUNITY HOUSING PROVIDERS
NATIONAL LAW (TASMANIA) ACT 2013 AMENDED**

3. Principal Act

In this Part, the *Community Housing Providers National Law (Tasmania) Act 2013** is referred to as the Principal Act.

4. Section 4 amended (Interpretation)

Section 4(2) of the Principal Act is amended by omitting the definitions of *Director of Housing* and *Housing Agency* and substituting the following definitions:

Homes Tasmania means Homes Tasmania established by section 9(1) of the *Homes Tasmania Act 2022*;

Housing Agency means any of the following:

- (a) Homes Tasmania;
- (b) the responsible Department in relation to the *Homes Tasmania Act 2022*.

5. Section 8 substituted

Section 8 of the Principal Act is repealed and the following section is substituted:

*No. 21 of 2013

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 2 – Community Housing Providers National Law (Tasmania) Act 2013
Amended

s. 6

8. Housing Agencies

For the purposes of the Community Housing Providers National Law (Tasmania) –

- (a) Homes Tasmania is declared to be a Housing Agency in relation to the definition of *community housing asset* in section 4 of that Law; and
- (b) Homes Tasmania is declared to be a Housing Agency in relation to section 10(1)(h) and section 20(4) of that Law; and
- (c) Homes Tasmania is declared to be a Housing Agency in relation to section 15(2)(c) of that Law.

6. Section 10 amended (Registrar)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Secretary of the Department may appoint a State Service officer or State Service employee employed in the Department” and substituting “Minister may appoint a State Service officer or State Service employee”;
- (b) by omitting subsection (3).

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 7

Part 3 – Fire Damage Relief Act 1967 Amended

**PART 3 – FIRE DAMAGE RELIEF ACT 1967
AMENDED**

7. Principal Act

In this Part, the *Fire Damage Relief Act 1967** is referred to as the Principal Act.

8. Section 9 amended (Erection of dwelling-houses in certain cases)

Section 9(2) of the Principal Act is amended by omitting “*Homes Act 1935*” and substituting “*Homes Tasmania Act 2022*”.

9. Section 10 amended (Special powers of the Minister in relation to the housing of homeless persons)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “the Director of Housing” and substituting “Homes Tasmania”;
- (b) by omitting from subsection (1) “dwelling-house erected under the *Homes Act 1935*” and substituting “residential premises, within the meaning of the *Homes Tasmania Act 2022*, erected under that Act”;

*No. 1 of 1967

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 3 – Fire Damage Relief Act 1967 Amended

s. 10

- (c) by omitting from subsection (2) “The Director of Housing may for the purposes of this section use the powers conferred on him by Part III of the *Homes Act 1935*” and substituting “Homes Tasmania may for the purposes of this section use the powers conferred on Homes Tasmania under Part 6 of the *Homes Tasmania Act 2022*”;
- (d) by omitting from subsection (2)(b) “a dwelling-house” and substituting “residential premises, within the meaning of the *Homes Tasmania Act 2022*,”.

10. Section 11 amended (Use of Crown lands)

Section 11(2) of the Principal Act is amended by omitting “*Homes Act 1935*” and substituting “*Homes Tasmania Act 2022*”.

**PART 4 – FIRST HOME OWNER GRANT
REGULATIONS 2021 AMENDED**

11. Principal Regulations

In this Part, the *First Home Owner Grant Regulations 2021** are referred to as the Principal Regulations.

12. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting the definition of *Director of Housing* and substituting the following definition:

Homes Tasmania means Homes Tasmania established by section 9(1) of the *Homes Tasmania Act 2022*.

13. Regulation 5 substituted

Regulation 5 of the Principal Regulations is rescinded and the following regulation is substituted:

5. Exclusion of Homes Tasmania from application of section 15 of Act

Homes Tasmania is excluded from the application of section 15 of the Act.

*S.R. 2021, No. 33

PART 5 – GREATER HOBART ACT 2019 AMENDED

14. Principal Act

In this Part, the *Greater Hobart Act 2019** is referred to as the Principal Act.

15. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Director of Housing*;
- (b) by inserting the following definition after the definition of *Greater Hobart Objectives*:

Homes Tasmania means Homes Tasmania established by section 9(1) of the *Homes Tasmania Act 2022*;

16. Section 7 amended (Greater Hobart Advisory Group)

Section 7(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

- (d) a person nominated by Homes Tasmania;

*No. 21 of 2019

**PART 6 – HOMEBUILDER GRANTS REGULATIONS
2020 AMENDED**

17. Principal Regulations

In this Part, the *HomeBuilder Grants Regulations 2020** are referred to as the Principal Regulations.

18. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting the definition of *Director of Housing* and substituting the following definition:

Homes Tasmania means Homes Tasmania established by section 9(1) of the *Homes Tasmania Act 2022*.

19. Regulation 5 substituted

Regulation 5 of the Principal Regulations is rescinded and the following regulation is substituted:

5. Exclusion of Homes Tasmania from application of section 21 of Act

Homes Tasmania is excluded from the application of section 21 of the Act.

*S.R. 2020, No. 82

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 7 – Homes (Sale of Mortgages) Act 1993 Amended

s. 20

**PART 7 – HOMES (SALE OF MORTGAGES) ACT 1993
AMENDED**

20. Principal Act

In this Part, the *Homes (Sale of Mortgages) Act 1993** is referred to as the Principal Act.

21. Section 8 amended (Construction of instruments)

Section 8(2) of the Principal Act is amended by omitting “the *Homes Act 1935*” and substituting “the *Homes Tasmania Act 2022* or the former *Homes Act 1935*”.

*No. 104 of 1993

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 22

Part 8 – Housing Land Supply Act 2018 Amended

**PART 8 – HOUSING LAND SUPPLY ACT 2018
AMENDED**

22. Principal Act

In this Part, the *Housing Land Supply Act 2018** is referred to as the Principal Act.

23. Long title amended

The long title of the Principal Act is amended by omitting “the Director of Housing” and substituting “Homes Tasmania”.

24. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Director of Housing*;
- (b) by omitting paragraph (b) from the definition of *government land* and substituting the following paragraph:
 - (b) Homes Tasmania Act land; or
- (c) by omitting the definition of *Homes Act land* and substituting the following definitions:

Homes Tasmania means Homes Tasmania established by section

*No. 8 of 2018

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 8 – Housing Land Supply Act 2018 Amended

s. 25

9(1) of the *Homes Tasmania Act 2022*;

Homes Tasmania Act land means land acquired, vested in or held under the *Homes Tasmania Act 2022* by Homes Tasmania;

25. Section 5 amended (Land that may be declared to be housing supply land)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Homes Act” and substituting “Homes Tasmania Act”;
- (b) by omitting paragraph (a) from subsection (2) and substituting the following paragraph:
 - (a) there is a need for land to be made available for the purposes of the *Homes Tasmania Act 2022*; and
- (c) by omitting from subsection (4) “Homes Act land, without the consent of the Director of Housing” and substituting “Homes Tasmania Act land, without the consent of Homes Tasmania”.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 26

Part 8 – Housing Land Supply Act 2018 Amended

26. Part 3 substituted

Part 3 of the Principal Act is repealed and the following Part is substituted:

**PART 3 – APPLICATION OF HOUSING SUPPLY
LAND FOR PURPOSES OF *HOMES TASMANIA ACT*
2022**

**16. Housing supply land vests in Homes
Tasmania**

On the day on which an area of land that is Crown land becomes housing supply land, the area of land is vested in Homes Tasmania.

**17. Homes Tasmania to ensure housing supply
land is developed or used for housing**

Homes Tasmania is to take all reasonable steps to ensure that housing supply land is applied for the purposes of the *Homes Tasmania Act 2022*.

**18. Former Crown land that is not developed
within 10 years may be transferred back to
Crown**

- (1) If an area of land that has vested in Homes Tasmania under section 16 has not, within 10 years after the area of land became housing supply land –

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

- (a) been transferred to another person under the *Homes Tasmania Act 2022*; or
- (b) been used or developed for the purposes of residential housing, which purposes may include –
 - (i) a use or development, of part of the land, that is necessary or appropriate for the purposes of a subdivision of the area of land for residential purposes; and
 - (ii) a use or development, of part of the land, the zoning of which part remained the same when the zoning of other parts of the area of land was altered under a housing land supply order –

the Minister may issue a notice under subsection (2) transferring the area of land from Homes Tasmania to the Crown.

- (2) The Minister, if permitted to do so under subsection (1), may, by notice in the *Gazette*, transfer from Homes Tasmania to the Crown an area of land specified in the notice.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 26

Part 8 – Housing Land Supply Act 2018 Amended

- (3) On the day on which a notice under subsection (2) appears in the *Gazette*, or a later day specified in the notice, the area of land specified in the notice is transferred to the Crown.

**PART 9 – LAND TITLES REGULATIONS 2012
AMENDED**

27. Principal Regulations

In this Part, the *Land Titles Regulations 2012** are referred to as the Principal Regulations.

28. Regulation 19 amended (Prescribed circumstances under sections 52(7)(b) and 137(2)(b)(iii))

Regulation 19 of the Principal Regulations is amended by omitting “the Director of Housing into a hiring agreement under section 37D of the *Homes Act 1935*” and substituting “Homes Tasmania into a hiring agreement under the *Homes Tasmania Act 2022*”.

*S.R. 2012, No. 111

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 29 Part 10 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

**PART 10 – LOCAL GOVERNMENT (BUILDING AND
MISCELLANEOUS PROVISIONS) ACT 1993
AMENDED**

29. Principal Act

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993** is referred to as the Principal Act.

30. Section 80 amended (Interpretation of Part 3)

Section 80(1) of the Principal Act is amended by omitting the definition of *movable dwelling unit* and substituting the following definition:

movable dwelling unit means movable residential premises to which the *Homes Tasmania Act 2022* applies;

*No. 96 of 1993

**PART 11 – PROPERTY AGENTS AND LAND
TRANSACTIONS REGULATIONS 2017 AMENDED**

31. Principal Regulations

In this Part, the *Property Agents and Land Transactions Regulations 2017** are referred to as the Principal Regulations.

32. Regulation 43 amended (Exemption from application of Act)

Regulation 43 of the Principal Regulations is amended as follows:

- (a) by omitting the definition of *Director of Housing* from subregulation (1) and substituting the following definition:

Homes Tasmania means Homes Tasmania established by section 9(1) of the *Homes Tasmania Act 2022*.

- (b) by omitting paragraph (a) from subregulation (4) and substituting the following paragraph:

(a) that is held by Homes Tasmania;
or

- (c) by omitting from subregulation (4)(c) “the Director of Housing” and substituting “Homes Tasmania”.

*S.R. 2017, No. 16

**PART 12 – RESIDENTIAL TENANCY ACT 1997
AMENDED**

33. Principal Act

In this Part, the *Residential Tenancy Act 1997** is referred to as the Principal Act.

34. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Director of Housing*;
- (b) by omitting the definition of *dwelling-house* and substituting the following definition:

dwelling-house has the same meaning as *residential premises* has in the *Homes Tasmania Act 2022*;

- (c) by omitting the definition of *eligible person* and substituting the following definition:

eligible person has the same meaning as in the *Homes Tasmania Act 2022*;

- (d) by inserting the following definition after the definition of *holding fee*:

*No. 82 of 1997

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 12 – Residential Tenancy Act 1997 Amended

s. 35

Homes Tasmania means Homes Tasmania established under section 9(1) of the *Homes Tasmania Act 2022*;

- (e) by omitting “*Homes Act 1935*” from the definition of *housing support provider* and substituting “*Homes Tasmania Act 2022*”;
- (f) by omitting “the Director of Housing under section 15AB of the *Homes Act 1935*” from the definition of *rent assistance* and substituting “Homes Tasmania under section 50 of the *Homes Tasmania Act 2022*”;
- (g) by omitting “the Director of Housing” from paragraph (a) of the definition of *social housing* and substituting “Homes Tasmania”;
- (h) by omitting “the Director of Housing” from paragraph (a) of the definition of *social housing provider* and substituting “Homes Tasmania”.

35. Section 6 amended (Non-application of Act)

Section 6(1)(da) of the Principal Act is amended by omitting “the Director of Housing” and substituting “Homes Tasmania”.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 36

Part 12 – Residential Tenancy Act 1997 Amended

36. Section 10 amended (Residential tenancy agreement)

Section 10(1A) of the Principal Act is amended by omitting paragraph (b) and substituting the following :

- (b) a lease, by Homes Tasmania, of residential premises under the *Homes Tasmania Act 2022*, for the purposes of enabling the social housing provider to provide residential accommodation to other persons.

37. Section 42 amended (Notice to vacate by owner)

Section 42(1) of the Principal Act is amended by omitting paragraph (dd) and substituting the following paragraph:

- (dd) that, where the residential tenancy agreement relates to social housing provided by a social housing provider who leases the premises from Homes Tasmania, the lease of the premises from Homes Tasmania has expired or is to expire, or has been, or is to be, terminated by Homes Tasmania;

38. Section 49 amended (Subletting)

Section 49(1AA)(b) of the Principal Act is amended by omitting “the Director of Housing” and substituting “Homes Tasmania”.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 13 – State Service Act 2000 Amended

s. 39

PART 13 – STATE SERVICE ACT 2000 AMENDED

39. Principal Act

In this Part, the *State Service Act 2000** is referred to as the Principal Act.

40. Schedule 1 amended (Agencies)

Schedule 1 to the Principal Act is amended by inserting after

Environment Authority	Protection	Chief executive officer
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in Part 2 the following item:

Homes Tasmania	Chief executive officer
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*No. 85 of 2000

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 41

Part 14 – Valuation of Land Act 2001 Amended

**PART 14 – VALUATION OF LAND ACT 2001
AMENDED**

41. Principal Act

In this Part, the *Valuation of Land Act 2001** is referred to as the Principal Act.

42. Section 11 amended (Duty of Valuer-General to make valuations)

Section 11(9) of the Principal Act is amended by omitting “a movable dwelling unit erected under Part VIA of the *Homes Act 1935*” and substituting “movable residential premises erected under Part 14 of the *Homes Tasmania Act 2022*”.

*No. 102 of 2001

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

Part 15 – Legislation repealed

s. 43

PART 15 – LEGISLATION REPEALED

43. Legislation repealed

The legislation specified in Schedule 1 is repealed.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

s. 44

Part 16 – Concluding Provision

PART 16 – CONCLUDING PROVISION

44. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Homes Tasmania (Consequential Amendments) Act 2022
Act No. of 2022

sch. 1

SCHEDULE 1 – LEGISLATION REPEALED

Section 43

Homes Act 1935 (No. 98 of 1935)