

# TASMANIA

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

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## **SCHEDULE 1 – LEGISLATION REPEALED**

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

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
25 August 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

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Section 8 of the Principal Act is repealed and the following section is substituted:

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\*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**

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**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

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**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”;

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\*No. 1 of 1967



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

Part 3 – Fire Damage Relief Act 1967 Amended

**s. 10**

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- (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*”.

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

s. 11

Part 4 – First Home Owner Grant Regulations 2021 Amended

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**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.

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\*S.R. 2021, No. 33

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**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;

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\*No. 21 of 2019

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

s. 17

Part 6 – HomeBuilder Grants Regulations 2020 Amended

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**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.

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\*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

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**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*”.

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\*No. 104 of 1993

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

s. 22

Part 8 – Housing Land Supply Act 2018 Amended

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**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

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\*No. 8 of 2018

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

Part 8 – Housing Land Supply Act 2018 Amended

s. 25

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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

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**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*

Part 8 – Housing Land Supply Act 2018 Amended

s. 26

- 
- (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

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- (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.

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

Part 9 – Land Titles Regulations 2012 Amended

s. 27

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**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*”.

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\*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

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**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”.

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\*S.R. 2017, No. 16

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

s. 33

Part 12 – Residential Tenancy Act 1997 Amended

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**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*:

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\*No. 82 of 1997

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

Part 12 – Residential Tenancy Act 1997 Amended

s. 35

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***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

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**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

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**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

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**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*”.

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\*No. 102 of 2001

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

Part 15 – Legislation repealed

**s. 43**

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**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

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**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**

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**SCHEDULE 1 – LEGISLATION REPEALED**

Section 43

*Homes Act 1935* (No. 98 of 1935)