

Residential Tenancies and Rooming Accommodation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 342

made under the

Residential Tenancies and Rooming Accommodation Act 2008

General Outline

Short title

Residential Tenancies and Rooming Accommodation Amendment Regulation (No 1) 2014

Authorising law

Sections 520 and 527C of the *Residential Tenancies and Rooming Accommodation Act 2008*

Policy objectives and the reasons for them

Section 527C of the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) enables the transfer of public housing to community housing management for both tenants and providers by deeming the termination of existing State tenancy agreements and re-granting community housing provider tenancy agreements.

The purpose of the amendment regulation is to prescribe the replacement terms of the community housing tenancy agreement.

Achievement of policy objectives

The amendment regulation prescribes the terms of the community housing provider tenancy agreement that will replace existing State tenancy agreements when a community housing provider becomes the replacement lessor under section 527C of the Act. This means that existing public housing tenants do not need to sign a new tenancy agreement with the replacement lessor.

When the Logan Renewal Initiative commences, it is expected approximately 4,800 public housing tenancies will transfer from the State to the management of the replacement lessor. The amendments will also support future transfers of public housing services to non-government providers.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the Act, that is to regulate the making, content, operation and ending of residential tenancy agreements.

The amendment is required to enable the smooth transfer of tenancies under State tenancy agreements (public housing) to community housing provider tenancy agreements with a replacement lessor (community housing provider).

Benefits and costs of implementation

No additional costs will be incurred in the implementation of this amendment regulation. The amendment regulation protects against costs being incurred by tenants, the State and the replacement lessor of having to renegotiate a tenancy agreement.

The amendment regulation provides the chief executive with a transparent and accountable process for the transition of existing public housing tenants to the management of community housing providers.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

No public consultation occurred on the amendment regulation as it is machinery in nature.

Notes on provisions

Clause 1 provides that the short title of the regulation is *Residential Tenancies and Rooming Accommodation Amendment Regulation (No 1) 2014*.

Clause 2 provides that the regulation being amended is the *Residential Tenancies and Rooming Accommodation Regulation 2009*.

Clause 3 amends the heading of Part 2 to include 'and replacement terms'.

Clause 4 creates a new division – Division 2A Community housing provider tenancy agreements.

Clause 5 amends section 11 to insert the relevant schedule for a community housing provider tenancy agreement.

Clause 6 inserts a new part 6 setting out transitional provisions for the *Residential Tenancies and Rooming Accommodation Amendment Regulation (No 1) 2014*.

Clause 7 establishes a new schedule 3A for the replacement terms for community housing provider tenancy agreements.

Clause 8 amends schedule 7 (Dictionary) to include a definition of tenancy information.