

# **Proclamation—Housing Legislation (Building Better Futures) Amendment Act 2017**

Explanatory notes for Subordinate Legislation 2018 No.166

made under the

*Housing Legislation (Building Better Futures) Amendment Act 2017*

## **General Outline**

### **Short title**

Proclamation to commence provisions of the *Housing Legislation (Building Better Futures) Amendment Act 2017*.

### **Authorising law**

Section 2 of the *Housing Legislation (Building Better Futures) Amendment Act 2017*.

### **Policy objectives and the reasons for them**

The objectives of this Proclamation are to commence amendments to the *Retirement Villages Act 1999* (RV Act) made by the *Housing Legislation (Building Better Futures) Amendment Act 2017* (HLA Act).

As well as amending the RV Act, the HLA Act made amendments to the:

- *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act);
- *Residential Services (Accreditation) Act 2002* (RSA Act);
- *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act);
- *Building Act 1975*; and
- *Housing Act 2003*

The HLA Act delivered on the government's commitment in the *Queensland Housing Strategy 2017-2027* to modernise the housing regulatory system, so consumers are protected and empowered, and the industry can supply quality services.

The policy objectives of the HLA Act are provided in the explanatory notes that accompanied the *Housing Legislation (Building Better Futures) Amendment Bill 2017* (the Bill).

The overarching objectives of the HLA Act are to amend the MHRP Act, RSA Act, RTRA Act and the RV Act to ensure fairness and consumer protections for people who are either living in regulated accommodation or considering moving into these types of housing, while enabling the continued viability of these industries and sectors.

Section 2 of the HLA Act provides for the commencement of provisions of that Act which did not commence on assent, to commence on a day to be fixed by proclamation.

The implementation of the HLA Act is being commenced in stages to ensure that important consumer protections are delivered as quickly as possible while allowing for broad stakeholder consultation on approved forms, notices and potential regulations arising out of the HLA Act.

The HLA Act amendments to the RV Act to introduce new behavioural standards in retirement villages and new requirements for payment of exit entitlements to former residents commenced on assent.

The policy objective of this Proclamation is to commence certain provisions of the HLA Act which are not yet in force to amend the RV Act. The provisions to be proclaimed will commence improvements on 1 February 2019 to the pre-contractual disclosure process, resident and prospective resident access to village operational documents, the process for reinstatement and renovation of units following a resident's departure and valuing a unit for resale, and will commence a regulation-making power related to public safety equipment in retirement villages. The HLA Act also provides for regulations to be prescribed for certain sections.

Stage 2 is expected to be proclaimed between April and June 2019 and will commence RV Act amendments to address changes in village operations, such as redevelopment of a village, and new standards for retirement village contracts. Stage 3 will be proclaimed by 10 November 2019 and will commence a new set of standard financial reports and budgets.

A separate Proclamation commenced certain provisions of the HLA Act to amend the MHRP Act in October 2018. This proclamation commenced those MHRP Act provisions related to site rent increases, dispute resolution, emergency and visitor access, limitations on utility charging, and new processes for park liaison committees.

A second and final stage of amendments to the MHRP Act is expected to be proclaimed between April and June 2019. This stage will commence amendments to improve pre-contractual disclosure processes and cooling off periods and require residential parks to develop emergency plans.

The new minimum housing standards to be included in the *Residential Tenancies and Rooming Accommodation Regulation 2009* are currently being consulted on as part of the current State-wide *Renting in Queensland* consultation process.

All HLA Act amendments to the RSA Act have now commenced in addition to the new *Residential Services (Accreditation) Regulation 2018* being made.

## **Achievement of policy objectives**

The policy objective of commencing provisions of the HLA Act not yet in force is achieved by providing for the proclamation of the following sections relevant to the RV Act to commence on 1 February 2019:

- Sections 88, 89, 91, 92, 94(1), 94(3), 95, 102, 103(1), 103(2), 103(3), 105, 106, 108, 113(1), 117-121, 123, 129(2), 134, 141-143, 145, 147, 148-149, 151(1);
- Section 103(5) to the extent that it omits section 45(3) from the RV Act;
- Section 107, other than to the extent it inserts section 58(4)(b) and 59(4)(b) into the RV Act;
- Section 113(2) other than to the extent it inserts section 67(1)(a)(ii) into the RV Act;
- Section 116, other than to the extent it inserts section 69(b) into the RV Act;
- Section 150, other than to the extent it inserts section 237I(7) and sections 237O to 237P into the RV Act; and
- Section 151(2), to the extent it inserts definitions into the dictionary for the RV Act: condition report, prospective costs document, reinstatement work and village comparison document.

Regulations pursuant to certain sections of the HLA Act to be proclaimed will be made and are proposed to commence on 1 February 2019.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the objectives of the HLA Act.

## **Alternative ways of achieving policy objectives**

There is no alternative means of achieving the policy objective of proclaiming sections to commence.

## **Benefits and costs of implementation**

There are no costs associated with making the Proclamation. Information about the benefits and costs of the amendments to the RV Act was provided in the explanatory notes accompanying the Bill.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is consistent with the policy objectives of other legislation.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

Stakeholders were consulted on the draft Bill:

- resident/consumer groups including: Association of Residents of Queensland Retirement Villages, Caxton Legal Centre (Park and Village Information Link), Tenants Queensland;

- peak and community groups including: COTA, National Seniors Australia, Queensland Law Society; and
- industry representatives including: Leading Age Services Australia, Property Council of Australia and Urban Development Institute of Australia.

During the debate on the Bill, a number of amendments were made to address the feedback of stakeholders and committee members.

A consultative group comprised of key stakeholders is being consulted during the development of supporting material for the implementation of the HLA Act such as regulations, forms and notices. These stakeholders include the Property Council of Australia, Leading Age Services Australia, Association of Residents of Queensland Retirement Villages, Tenants Queensland, COTA, Caxton Legal Centre and the Queensland Law Society.

The Ministerial Housing Council (MHC) was consulted on the implementation timeline for the HLA Act. The MHC members supported staged implementation.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Housing and Public Works applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category G - regulatory proposals that are of a machinery nature).