

Proclamation – Housing Legislation (Building Better Futures) Amendment Act 2017

Explanatory notes for Subordinate Legislation 2019 No. 81

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* (the Amendment Act).

Policy objectives and the reasons for them

Section 2 of the Amendment 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 purpose of the *Housing Legislation (Building Better Futures) Amendment Act 2017* (Amendment Act) is to make amendments to the *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act), the *Residential Services (Accreditation) Act 2002* (RSA Act), the *Retirement Villages Act 1999* (RV Act), the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act), the *Building Act 1975* and the *Housing Act 2003*. The policy objective of the amendments contained in the Amendment Act are provided for in the explanatory notes accompanying the *Housing Legislation (Building Better Futures) Amendment Bill 2017*.

The overarching objectives of the Amendment 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.

The Amendment Act is being commenced in stages to ensure important consumer protections are delivered as quickly as possible while allowing for broad stakeholder consultation and co-design in the development of processes, approved forms, notices and regulations arising out of the Amendment Act.

The policy objective of this Proclamation is to commence certain provisions of the Amendment Act relating to the MHRP Act which are not yet in force, including sections related to precontractual disclosure, cooling-off periods, emergency plans and other miscellaneous provisions.

Achievement of policy objectives

The policy objective of commencing provisions of the Amendment Act not yet in force is achieved by providing for the proclamation of all uncommenced sections relevant to the MHRP Act on 1 September 2019.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Information about the benefits and costs of implementation were provided in the explanatory notes accompanying the *Housing Legislation (Building Better Futures) Amendment Bill 2017*.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Stakeholders were consulted on the *Housing Legislation (Building Better Futures) Amendment Bill 2017* in 2017. The Ministerial Housing Council (MHC) was consulted on the implementation timeline for the Amendment Act. The MHC members supported staged implementation.

In March 2019, the Department of Housing and Public Works sought feedback from peak bodies and community advocates on proposed forms to be made available to stakeholders to support the Amendment Act amendments. These stakeholders included:

- Resident/consumer groups including: Associated Residential Parks Queensland, Caxton Legal Centre (Queensland Retirement Villages and Parks Advice Service), Manufactured Home Owners Association, Tenants Queensland, Association of Residents in Queensland Retirement Villages.
- Peak and community groups including: COTA, National Seniors Australia, Queensland Law Society.
- Industry representatives including: Caravanning Queensland, Leading Age Services Australia, Property Council of Australia and Urban Development Institute of Australia.

Stakeholder feedback has been used to improve the forms to make them more readable, clear and consistent. Prior to commencement, stakeholders will be provided with advice about the 1 September 2019 commencement date.

The Office of Best Practice Regulation was consulted and advised that the Proclamation is of a machinery nature and falls within the agency assessed exclusion category (g) under the Queensland Government Guide to Better Regulation.