

Proclamation - *Manufactured Homes (Residential Parks) Amendment Act 2024* (commencing certain provisions)

Explanatory notes for Subordinate Legislation 2024 No. 237

made under the

Manufactured Homes (Residential Parks) Amendment Act 2024

General Outline

Short title

Proclamation commencing certain provisions of the *Manufactured Homes (Residential Parks) Amendment Act 2024*.

Authorising law

Section 2(2) of the *Manufactured Homes (Residential Parks) Amendment Act 2024* (Amendment Act) provides that Part 2, division 4 and schedule 1 of the Amendment Act commence on a day fixed by proclamation.

Policy objectives and the reasons for them

The Amendment Act amends the *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act). The Amendment Act was passed by Parliament on 23 May 2024 and received assent on 6 June 2024. New sections 18A-18R of the *Manufactured Homes (Residential Parks) Act 2003* establish new requirements for residential park owners to publish park comparison documents and to apply to register new residential parks prior to their commencing operations.

The Proclamation will commence the provisions of the Amendment Act that are necessary to implement these requirements, namely:

- section 31, to require park owners to prepare a residential park comparison document and host it on a website for their park, require residential parks to be registered prior to operating, require park owners to provide information to the chief executive when applying to register a residential park, and require the chief executive to keep a register of residential parks;

- section 47, to modify the framework in the MHRP Act for parties to review a decision by the chief executive on particular matters, including a decision by the chief executive to refuse to register a residential park;
- section 48, to omit Part 19A of the MHRP Act which provides for the record of residential parks replaced by the new register of residential parks;
- section 49, to provide transitional provisions to support the new register of residential parks and to commence the transitional regulation-making power; and
- section 51(2), to provide the new definitions required to support interpretation of the sections being commenced.

Achievement of policy objectives

The policy objective is achieved by prescribing 20 February 2025 as the commencement date for the above provisions of the Amendment Act.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives.

Benefits and costs of implementation

The reforms to commence by Proclamation are expected to result in a net economic benefit to the community of approximately \$1,379,537 (net present value) over ten years, with only modest costs to the residential park industry and government.

The Proclamation is not expected to result in any additional costs.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Consultation on commencement timing was undertaken with the Alliance of Manufactured Home Owners, Queensland Manufactured Home Owners Association, Caravanning Industry Association of Australia, Caravan Parks Association of Queensland, Council on the Ageing, National Seniors Australia, Property Council of Australia, Queensland Law Society, Queensland Retirement Village and Park Advice Service, and Urban Development Institute of Australia.

The department received limited feedback regarding the timeframe for commencing these requirements. One of the industry bodies consulted, indicated that approximately 12 months should be given to parks to comply with new requirements. However, the proposed timeframe of five months is considered reasonable given the required information is readily available to parks and will be reported using standardised forms. Commencement timing considers the December/January holiday period. No other stakeholders responded to a consultation question on timing.

In accordance with the Queensland Government Better Regulation Policy, an Impact Analysis Statement has been completed that identifies that the Proclamation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it is a regulatory proposal that is machinery in nature commencing provisions of the Amendment Act.